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by

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49	Samuel K. Cullan	Hemingford	Farmer	Box Butte, Dawes, Sheridan, Sioux, Grant

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RULE 1—OFFICERS AND EMPLOYEES

A. Election of Officers

Section 1. Officers To Be Elected. At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot the following officers:

Speaker
Chairman of Committee on Committees
Chairman of Executive Board
Vice Chairman of Executive Board
6 Members of Executive Board (See footnote)

Before the ballot is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

The Legislature elects two from legislative districts Nos. 1, 2, 15, 16, 23 through 30, 32 through 35, and 46; two from legislative districts Nos. 3 through 14, 20, 31, and 45; and two from legislative districts Nos. 17 through 19, 21, 22, 36 through 44, and 47 through 49. Speaker is member of Board; Chairman of Appropriations is nonvoting member; RRS 50-401.01.

Sec. 2. Officers To Be Approved. In addition, the Legislature shall advise and consent to the recommendations of the Executive Board of the Legislative Council for the following officers:

Chief Clerk of the Legislature
Assistant Clerk of the Legislature
Sergeant at Arms
Chaplain

Officers and employees recommended by the Executive Board, RRS 50-111.

Sec. 3. Voting on and Removal of Officers. (a) A majority vote of the elected members shall be required for the election of all officers of the Legislature. All officers shall hold their office until a successor is chosen or they are removed.

(b) Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature provided no such recall shall be voted on until five legislative days after the motion to do so is placed in the Journal. The vacancy thus created shall be filled by a majority vote of the members.

Sec. 4. Officer's Oath. Each permanent officer shall take an oath to support the Constitution of the United States, and the Constitution of the State of Nebraska, and to discharge faithfully the duties of his office according to the best of his ability.

B. Presiding Officer

Sec. 5. President of Legislature. The Lieutenant Governor shall preside as President of the Legislature. The Speaker shall serve as acting President and preside when the Lieutenant Governor shall be absent, incapacitated, or shall be acting as Governor. All references herein made to the President shall be construed as meaning also the Speaker whenever he may preside.

Prohibited from presiding when acting as Governor. Const. Art. III, Sec. 10.
Duties and powers. RRS 50-113.

Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

- Chairman of the Legislative Council
- Chairman of the Committee on Committees
- Chairman of Committee on Judiciary
- Chairman of Committee on Government, Military and Veterans Affairs
- Chairman of Committee on Appropriations
- Chairman of Committee on Revenue
- Chairman of Committee on Education
- Chairman of Committee on Banking, Commerce and Insurance
- Chairman of Committee on Public Works
- Chairman of Committee on Agriculture and Environment
- Chairman of Committee on Public Health and Welfare
- Chairman of Committee on Miscellaneous Subjects

Chairman of Committee on Business and Labor
Chairman of Committee on Urban Affairs
Chairman of Committee on Constitutional Revision and Recreation

Emergency Succession. RRS 50-503(7)

Sec. 7. Powers of Presiding Officer, Restrictions. All the powers herein conferred on the President shall be exercised by the presiding officer, except the authority to sign bills or resolutions passed by the Legislature.

Const. Art. III, Sec. 14.
Addressing the Chair. Rule 2, Sec. 7.
Duties. RRS 50-113.

Sec. 8. Alternate Presiding Officers. The President may name any member to perform the duties of the presiding officer, but such delegation shall not extend beyond adjournment. When possible the order for delegation of the presiding officer shall be as set forth in Sec. 6, supra.

Sec. 9. Convening of Legislature, Quorum. The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the last sitting. He shall call the Legislature to order, and a quorum being present, shall proceed in the manner and order prescribed by these rules. A majority of the members elected to the Legislature shall constitute a quorum.

Const. Art. III, Sec. 10.

Sec. 10. Absence of Quorum. If the President finds that a number less than a quorum is present, he shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a Call of the Legislature.

Sec. 11. Order and Decorum. The President shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

Consent to enter Chamber. Rule 2, Sec. 3.

Sec. 12. President Decide Order of Speaking. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to a challenge to the Legislature by any member, on which challenge no member may speak more than once, unless by leave of the Legislature. In the event of a challenge to a ruling of the Chair, the ruling shall be restated and the question shall be phrased: "Shall the chair be overruled?". A majority of those present shall be required to overrule the Chair.

Sec. 13. Signing of Bills and Resolutions. The President shall sign, in the presence of the Legislature, while the same is in session and capable of transacting business all bills and resolutions passed by the Legislature. All writs, warrants, and subpoenas issued by order of the Legislature shall be under his hand and seal, and attested to by the Clerk.

Only Lieutenant Governor or Speaker may sign bills. Const. Art. III, Sec. 14.

Sec. 14. Lieutenant Governor Voting When. The Lieutenant Governor, when presiding, shall vote only when the Legislature is equally divided.

Const. Art. III, Sec. 10.

C. Speaker

Sec. 15. Speaker, Presiding, Privilege. The Speaker shall preside over the Legislature at such times and circumstances as is above set forth. He shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his office.

Distribution of material by Clerk. Rule 2, Sec. 3f.
Excuse attendance at committee hearing. Rule 2, Sec. 4.
Power to refer bill back to committee. Rule 6, Sec. 2g.
Signing of bills. Const. Art. III, Sec. 14.

Sec. 16. Report Order of Bills. (a) The Speaker with the approval of the Executive Board shall report to the Legislature the order in which bills and resolutions shall be considered on General File. His orders as approved are final unless changed by a three-fifths vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

(b) The Speaker may, when sound judgment would so dictate, postpone the schedule reconvening of the Legislature for up to forty-eight hours when (1) an emergency exists due to adverse weather or other causes, or (2) a quorum can not be assembled within one half hour after the time to which the Legislature was to have convened.

(c) The Speaker shall prepare a daily legislative agenda and shall make every effort possible to deliver the agenda to the members of the legislature not less than one day prior to the day for which the agenda was prepared.

D. Clerk of the Legislature

Sec. 17. Duties, Journal, Report on Employees. (a) The Clerk of the Legislature shall attend sessions, call the roll, and keep journal of proceedings.

(b) The Clerk of the Legislature shall print no paper or document, except bills and the daily Journal, unless authorized by a majority vote of the elected members of the Legislature, or by the Executive Board.

Preprinting of Bills. Rule 5, Sec. 3.

(c) The Clerk of the Legislature shall make a detailed and itemized report to the Legislature each month concerning the number of employees and the amount paid for their services, especially setting out the amount of regular time and overtime, and to whom paid.

(d) The Clerk of the Legislature shall have general charge, except as may be provided by law or by rule, of such parts of the Capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

(e) No communications or letters shall be read by the Clerk of the Legislature unless authorized by the Speaker or the Reference Committee.

General Duties. RRS 50-114
Distribute material, when authorized. Rule 2, Sec. 3f.
Fiscal notes, attach to bills. Rule 5, Sec. 6d.
Lobby Registration. RRS 50-308 through 50-318.
File Administrative Rules. RRS 84-904.

Sec. 18. Journal, Governor's Messages, Amendments. (a) The Clerk shall prepare a daily Journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any are made, the Journal shall stand approved without motion.

For order. Rule 7, Sec. 1b.

(b) The Clerk shall enter in the daily Journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition, and memorial or other paper presented for the consideration of the Legislature.

Constitutional Amendment, print in full. Const. Art. XVI, Sec. 1.

(c) The hour at which the Legislature adjourns shall be entered in the daily Journal.

(d) All amendments for which a vote is taken shall be entered in the daily Journal.

(e) Additional copies of the daily Journal, to be mailed at his direction shall be supplied for the use of each member in such manner as shall be provided by the Legislature.

(f) The bound Journal of the session shall be prepared from the corrected daily Journal.

(g) A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed, and preserved, under the direction of the Clerk.

(h) A list of lobbyists who are registered shall be set forth in the Journal.

On Registration of lobbyists. 49-1480 through 49-1492 R.R.S.

Sec. 19. Assistant Clerk, Duties. The Assistant Clerk shall, in the absence of the Clerk, be authorized to exercise all the duties herein prescribed for the Clerk of the Legislature, including the signing of those papers which may require the signature of the Clerk of the Legislature.

RRS 50-115.

E. Other Offices

Sec. 20. Sergeant at Arms. (a) The Sergeant at Arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the Legislative Chamber.

RRS 50-116

(b) The Assistant Sergeant at Arms shall assist the Sergeant at Arms and in the absence of the latter, shall perform all of the duties herein prescribed for the Sergeant at Arms.

(c) Such other security guards as may be necessary shall be under the direction of the Speaker.

Compel attendance at committee hearing. Rule 2, Sec. 4.

Sec. 21. Chaplain. The Chaplain shall attend and shall open with prayer each day's sitting of the Legislature.

Sec. 22. Other Employees, Hiring of. The Executive Board of the Legislative Council shall hire all employees of the Legislature except those subject to the procedure in Rule 1, Sec. 2. The salaries of permanent employees shall be determined by the Executive Board subject to the limits of the appropriation bill. The Executive Board shall submit a salary schedule the first day of each session to the Legislature for all temporary employee positions. Such salary schedule shall be considered adopted unless rejected or amended by a majority of the elected members. No further adjustments in individual salaries for temporary employees need to be submitted to the Legislature for that session.

RRS 50-112

RULE 2—RULES OF PROCEDURE

Section 1. Rules, Matters Not Covered. These rules shall govern the Legislature. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

Overruling the Chair. Rule 1, Sec. 12.
Presiding officer, duties. RRS 50-113.

Sec. 2. Rules, Suspension, Amendment. These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

Sec. 3. Chamber, Guests, Distributions of Material. (a) The Legislative Chamber shall consist of the entire floor of the Legislative Chamber including the space under the balcony on either side adjacent thereto, or any other space designated by the Legislature or the Executive Board thereof.

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

(i) Members of the Legislature and their immediate families.
(ii) Officers and employees of the Legislature.
(iii) Reporters of regularly accredited newspapers and broadcasting stations.

(c) The Governor, state officers, former legislators, and other distinguished visitors may be admitted to the floor upon permission from the Chair.

State officials appearing before committees. Rule 3, Sec. 14.

(d) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the Chair. When bills are being read on Final Reading, no one shall be permitted to be seated beside members of the Legislature.

(e) No person, other than those hereinbefore excepted, shall be admitted to the members' cloak room or post office, unless accompanied by a member.

(f) No printed or written material of any nature may be placed on the desks of the members or distributed to them in the Legislative Chamber, unless such material clearly indicates on its face the person responsible for its distribution. The distribution must be approved by at least one member of the Legislature. The Speaker may authorize the Clerk to distribute material prepared by state agencies.

(g) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President.

(h) No individual other than a senator or officer of the Legislature shall be allowed to address the Legislature except from the podium.

Sec. 4. Attendance at Sessions. (a) Every member shall be present within the Legislative Chamber during the meetings of the Legislature and shall attend the regular meeting of the standing committee of which he is a member, unless excused by the Legislature, the Speaker, or the committee chairman. Members who have been excused by the Legislature or the Speaker shall notify their committee chairman that they will be absent.

(b) The presence of any member may be compelled, if necessary, by sending the Sergeant at Arms, or such other person or persons as the membership present may authorize, at the expense of such absent member, unless such excuse for nonattendance is made as the Legislature may judge sufficient, and in that case the expense shall be paid out of the contingent fund.

Sec. 5. Absent Members, Explanation of Vote. Absent members may have inserted into the Journal how he would have voted had he been present.

Sec. 6. Expulsion of Members. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

Const. Art. III, Sec. 10.

Sec. 7. Senator Desiring to Speak. (a) When a member desires to speak in debate or to deliver any matter to the Legislature, he shall rise from his seat and respectfully address himself to "Mr. President." A member shall speak only when recognized and shall confine himself to the question before the Legislature.

(b) No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he may yield to a question. No guest will be introduced during the legislative session except dignitaries and such dignitaries shall only be introduced by the presiding officer, provided that the presiding officer can announce the presence of visiting groups to organizations at his discretion. Those individuals and groups not introduced may be inserted in the Journal by request. No member shall use profane or abusive language when speaking to or about another member.

Sec. 8. Transgression of Rules, Call Member to Order. If any member, in speaking or otherwise, transgresses the rules of the Legislature, the presiding officer shall, or any member may, call him to order, in which case he shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed, but not otherwise, and if the case requires it, he shall be liable to censure or such punishment as the Legislature may deem proper.

Sec. 9. Words Excepted To. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature, but he shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

Sec. 10. Time Limit on Speaking. Each member shall be allowed to speak up to three times for not more than five minutes on each occasion, upon any one question in deliberation during the legislative day, without leave of the Legislature, unless he be the mover, proposer, or introducer of the matter pending in which case he shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken. Provided, however, the mover, proposer or introducer of the matter pending may speak for ten minutes when he first presents the matter to the Legislature.

Sec. 11. Personal Privilege. Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure pending before the Legislature. All questions of privilege shall be channeled through the presiding officer, who shall determine their order of consideration.

RULE 3—COMMITTEES

Section 1. Committees in General. (a) Each committee of the Legislature is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Legislature, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony, as it deems advisable. Each committee may make investigation into any matter within its jurisdiction, may report such hearings as may be had by it, and may present to the Legislature for its consideration any final reports and recommendations for action resulting from such investigations.

(b) A committee's subject-matter jurisdiction extends to all matters specified in the act creating the committee, or to all matters reasonably comprehended in the name of the committee. A committee's particular jurisdiction extends to any bill, resolution or other measure referred to it by the Legislature, until final report of the measure has been made by the committee to the Legislature.

(c) No committee may exercise any of the above mentioned powers in a manner contrary to the Rules of the Legislature or in a manner which exceeds the scope of the act defining the purpose of the committee.

Sec. 2. Appointment of Committees. (a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and three from District No. 1 consisting of legislative districts Nos. 1 through 3, 25 through 30, 32, 45, and 46; three from District No. 2 consisting of legislative districts Nos. 4 through 14, 20, and 31; three from District No. 3 consisting of legislative districts Nos. 15 through 19, 21 through 24, 34, 35, and 40, and three from District No. 4 consisting of legislative districts Nos. 33, 36 through 39, 41 through 44, and 47 through 49.

(b) The Committee on Committees by a majority vote of all its members, shall recommend to the Legislature for its approval appointments to the standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute.

(c) The membership of all standing and select committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

Sec. 3. Standing Committees. (a) The Standing Committees of the Legislature shall be as follows:

Administrative Rules and Regulations Review	7 members
Agriculture and Environment	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Business and Labor	7 members
Constitutional Revision and Recreation	7 members
Education	8 members
Government, Military and Veterans Affairs	8 members
Judiciary	8 members
Miscellaneous Subjects	8 members
Public Health and Welfare	7 members
Public Works	8 members
Revenue	8 members
Urban Affairs	8 members

(b) The Speaker shall not be a regular member of a standing committee.

Sec. 4. Select Committees. (a) The Select Committees of the Legislature shall be as follows:

Committee on Committees	13 members
Enrollment and Review	1 member
Reference	9 members
Rules	5 members

(b) Select Commttees shall be subject to the same procedural rules as standing committees insofar as they are applicable. In addition, the following provisions shall apply:

(c) Committee on Committees.

(i) The Committee on Committees shall have authority to call before it a committee chairperson and discuss the workload of said committee. It shall hear and dispose of all written complaints filed with said committee by a senator against any committee chairperson.

The Committee on Committees shall conduct said hearing in accordance with its own rules.

(d) Enrollment and Review.

(i) The Chairperson of Enrollment and Review shall report bills which have been engrossed for Final Reading and passage. In the absence of the chairperson, the vice chairperson of the Judiciary Committee shall assume the duties of the chairperson of the Enrollment and Review Committee.

(ii) The bill drafting service shall have supervision of and provide legal services for Enrollment and Review Committee.

(iii) The chairperson of Enrollment and Review shall have authority, without being required to include the same specifically in his or her reports and recommendations to the Legislature, in accord with accepted usage:

(A) To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, to convert masculine or feminine referents to neutral gender when appropriate, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File, and specific amendments.

(B) To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.

(C) When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard clause or section and make the necessary change in the title, the chairperson of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his or her reports and recommendations to the Legislature or making any special record thereof.

(e) Reference Committee.

(i) The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the matter to the appropriate committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue.

(ii) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature shall be referred to the appropriate standing committee and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

(f) Rules Committee.

All proposed rules changes shall be set for public hearing within five legislative days after their referral to the committee. The hearing shall take place within fifteen legislative days after the referral, and the committee shall take final action on the proposal within ten legislative days after the hearing.

(g) Investigating Committees.

The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

Sec. 5. Special Committees. (a) Special committees shall include all authorized committees other than standing and select committees. Unless otherwise specifically provided, special committees shall not have jurisdiction over legislative bills, but shall be subject to the same procedural rules as standing committees, insofar as they are applicable.

(b) The special committees authorized by statute as of January 1, 1980 are as follows:

Building and Maintenance. RRS 81-106	4 members
Education Commission of the States. RRS 79-2504	4 members

Executive Board of the Legislative Council. RRS 50-401.01	9 members
Intergovernmental Cooperation. RRS 81-816	5 members
Law Enforcement and Justice Advisory, (Judiciary Committee). RRS 50-601	8 members
Nebraska Retirement Systems. RRS 50-416	5 members
Nebraska Transportation Advisory. RRS 50-421	5 members
Performance Review and Audit. RRS 50-701.02	6 members
Telecommunications. RRS 50-424	8 members

(c) The following special provisions shall be in force with regard to the following special committees:

(i) Intergovernmental Cooperation Committee.

In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Sec. 81-816, the Executive Board may appoint alternate members to serve on such assignments as the chairperson shall direct.

(ii) Nebraska Retirement Systems Committee.

The Nebraska Retirement Systems Committee (RRS 50-416) together with the chairperson of the Appropriations Committee shall have jurisdiction over all bills proposing new or amending existing retirement systems of the state and its political subdivisions.

Sec. 6. Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 2:00 p.m. on weekdays, unless otherwise approved by the Legislature.

(b) A standing committee deciding not to hold meetings on the appointed day must receive permission from the Reference Committee.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

Sec. 7. Chairperson, Vice Chairperson. (a) The chairperson of each standing and select committee shall be selected by secret ballot on the floor of the Legislature.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

Sec. 8. Committee Quorum. A majority of the members of a committee shall constitute a quorum. A quorum must be present for the transaction of any committee business except a public hearing.

Sec. 9. Quorum at Committee Hearings. A quorum of committee members should be maintained throughout all committee hearings.

Sec. 10. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee after a majority vote of the remaining members shall request that such vacancy be filled by the Committee on Committees. Such committee shall appoint either the Speaker, or a member from a standing committee having eight members to fill each vacancy.

(b) A temporary appointment may be made by the chairperson of the Committee on Committees for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

Sec. 11. Committee Procedural Rules. Each legislative committee shall at its first meeting establish and adopt, by a majority vote of its members, comprehensive committee rules which will govern the procedure by which its business is to be conducted. Such committee rules shall be filed with the Clerk of the Legislature within ten days following the first meeting. In the alternative, a committee may adopt by affirmative vote, or by failure to enact other procedures at its first meeting, the Model Committee Rules attached hereto as Appendix "A".* Any committee amendments to such model rules must be filed with the Clerk of the Legislature within ten days following the first meeting. Additional procedures not inconsistent with the rules adopted by the committee may be imposed at the discretion of the committee chairperson. The committee chairperson shall make available to all interested parties a copy of the committee rules governing that committee's action.

**Note: Appendix "A" available in the Office of the Clerk of the Legislature.*

Sec. 12. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the same subject under the number of one of the correlated bills or resolutions, and when reported out under one bill or resolution number, the remaining bills or resolutions will be reported out as indefinitely postponed. Committees may before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee.

Sec. 13. Public Hearing, Notice. Before taking final action on a bill or resolution, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill shall have been printed, by publication in the Legislative Journal. No bill having been set for public hearing shall be withdrawn nor the hearing cancelled within seven calendar days of the date set for said public hearing, except for hearings set during the first 20 legislative days of each session, there shall be required only five calendar days' notice of said hearing or withdrawal of said bill.

Sec. 14. State Officials Appearing Before Committees. State officials and department heads or their designees and state employees are encouraged to appear before any legislative committee to comment upon bills having an impact on the operations of the administrative agency or department for which they work.

Sec. 15. Executive Sessions and Closed Meetings. (a) Executive Session shall mean any meeting or portion of a meeting which is closed to the general public, and the proceedings of which are not electronically recorded and transcripted, unless the committee so provides, but the records of which shall be available for public inspection. Executive sessions shall be open to members of the news media who may report on action taken by the committee in executive session.

(b) All other meetings of a committee shall be public unless the committee, by majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

Sec. 16. Report of Bill to Legislature. (a) In reporting a bill to the Legislature, whether with or without amendments, a committee shall by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. Such action shall be taken at regularly scheduled meetings only.

(b) A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has taken final action upon the particular measure.

(c) No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the bill drafter.

Sec. 17. Indefinitely Postponed Bills. If the committee report on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; except that such bill may be placed on General File or referred back to the committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

Sec. 18. Committee Statement. (a) The chairperson of each committee with the assistance of the legislative staff shall, when reporting a bill, submit with such bill a committee statement which shall contain, but need not be limited to, the following information:

(1) the one-line title and number of the bill;
(2) a roll call vote of final committee action taken on the bill;
(3) the date of the public hearing on the bill;
(4) a list of all individuals testifying for and against the bill and any organization they represent;
(5) a summary of the bill's purpose and a description of all major provisions for change in the bill as written and as amended by the committee;
(6) if committee amendments are to be introduced, a copy of the amendments and an explanation thereof.

(b) A copy of the proposed statement shall be distributed to each committee member within five days after final action on the bill has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the bill, to proposed amendments, or to the majority statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the bill on General File.

(c) A copy of the committee statement and any minority statements submitted shall be distributed to each senator after filing with the Clerk of the Legislature. Copies of such statements shall be made available to the public.

Sec. 19. Request from Committee, Bills Held. (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a status report from any committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any senator may move that a bill be placed on General File twenty calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of a majority of the elected members, said bill shall be placed on General File. If at the expiration of eight calendar days from the date final action was taken the chairperson has not reported the bill, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

RULE 3

(c) Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature. The introducer bill must concur with any motion offered under this rule.

RULE 4—RESOLUTIONS

Section 1. Identifications. A resolution shall be designated as Legislative Resolution ____. All resolutions shall be numbered consecutively for each Legislature. All resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal.

> *73-74 Attorney General Opinion No. 13—Resolutions must be printed and read before a vote is taken.*

Sec. 2. When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal constitution, or memorialize the Congress with regard to amendments to the U. S. Constitution, or the rejection, change, alteration, amendment, or modification of rules under the provisions of Section 84-904, Reissue Revised Statutes of Nebraska, 1943, shall be considered and adopted in the same manner as bills.

> *Const. Art. III, Secs. 13, 14; Art. IV, Sec. 15; Art. XVI, Sec. 1.*
> *Const. Art. III, Sec. 25, Cannot appropriate funds by resolution.*

Sec. 3. Study Resolution. Resolutions which propose that studies be made by the Legislative Council shall be first referred to the Executive Board of the Legislative Council, this Board to submit a report with each resolution recommending that the proposed study be made or rejected. The Executive Board of the Legislative Council shall determine the time and number of interim studies. All such studies authorized by the Legislature shall be referred to the appropriate permanent standing or special committee by the Executive Board. The chief introducer of a study resolution shall, if not otherwise a member of the committee to which the resolution is assigned, be an ex officio member of said committee, but such membership shall not extend beyond the convening of the next legislative session and shall be limited to a study of that resolution only.

> *RRS 50-404*

Sec. 4. All resolutions, if amended, shall pass through the process of Enrollment and Review in the regular course of their consideration.

Sec. 5. All resolutions shall be adopted by an affirmative vote of a majority of the elected members except for those specified in Section 2 which shall be considered and adopted in the same manner as bills.

Sec. 6. Resolutions shall lie over for consideration at least one legislative day after introduction.

Sec. 7. Only those resolutions specified in sections 2 and 3 of this Rule shall be engrossed unless otherwise ordered by the Legislature or unless the Clerk determines the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented. All resolutions which are engrossed shall be enrolled and signed by the Lt. Governor or Speaker and certified to by the Clerk as to the date of final passage.

Const. Art. III, Sec. 14.

Sec. 8. Reference to Committee. Resolutions other than those covered by Secs. 2 and 3 of this rule may be referred to a committee if a motion to do so is adopted by a majority of the elected members.

Sec. 9. Reviving Resolution Killed by Committee. If the standing committee report on a resolution be to postpone indefinitely the resolution shall stand indefinitely postponed; Provided, that such resolution may be considered by the members of the Legislature if a majority vote of the elected members so direct, provided the motion is made within three legislative days after the committee makes its report to the Legislature. A motion to raise cannot be amended to include any other resolution or subject matter.

For public hearing. Rule 3, Sec. 13.

Sec. 10. A committee, when reporting out a resolution shall attach thereto a statement setting forth what is sought to be accomplished and the committee vote. The statement shall be set out in full in the Journal.

Emergency seat of government; Resolution proving for, must be signed by Governor. RRS 23-2103, 1943, by Governor.

RULE 5—BILLS—GENERAL PROVISIONS

Section 1. Drafting of Bills. The bill drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the bill drafter. In order to shorten the length of sections, the bill drafter shall, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice. The bill drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the bill drafter unless requested or authorized by a member of the Legislature.

Sec. 2. Content and Form of Bills. A bill shall be designated as Legislative Bill No. __.

Style of bill. Const. Art. III, Sec. 13.

(b) No bill shall contain more than one subject, and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.

Const. Art. III, Sec. 13.

(c) An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the Statutes or Constitution.

Sec. 3. Revisor Correctional Bills, Pre-Printing. (a) Preceding each legislative session, the chairman or any member of the Executive Board of the Legislative Council, or if the Executive Board so requests, the senator who, in the preceding session served as chairman of the Judiciary Committee, shall sign as introducer the Revisor of Statutes correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session.

(b) In addition to causing to be printed the revisor bills, the Clerk shall number and cause to be printed all bills delivered to him by the Executive Board, provided said Board has referred said bills to a standing committee. No bill so printed shall be withdrawn until after the Legislature convenes.

Sec. 4. Introducers Signing Bills. Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer.

Sec. 5. Introduction of Bills, Ten Day Limitation. (a) Except as provided in Rule 5, Sec. 6(g), no bill shall be introduced after the tenth legislative day during sessions in odd-numbered or even-numbered years, except as hereinafter provided.

(b) A bill may be introduced at the request of the Governor at any time. A standing committee or special committee may introduce a bill for any purpose including at the request of another senator provided said bill receives the endorsement of a majority of the committee members, whose names shall be on the bill. After the tenth legislative day, any motion by a standing committee or a special committee to introduce a bill must receive a vote of three-fifths of the elected members of the Legislature for such bill to be introduced.

(c) A copy of intent of a bill recommended for introduction by a committee must be placed on each member's desk before such introduction of bill is voted upon.

(d) Each member shall be limited as an introducer or co-introducer to a total of 17 bills for the two-year period consisting of the first and second regular sessions of each Legislature. Each committee shall be limited as an introducer to a total of 10 bills for each regular session of the Legislature. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Provided, to suspend the rules to allow a committee to exceed the 10 bill limit a four-fifths vote shall be required. Bills introduced under Rule 5, Sec. 3(a), bills introduced at the request of the Governor, and Appropriations bills will not be included in the limitation.

(e) For each bill introduced, following the name of the introducer and the district number, there shall appear the following language: "This bill introduced on behalf of ________". The blank space shall be completed by adding the name of the special interest group, if any, encouraging the legislation; if no special interest group was responsible for the legislation, then the Senator shall insert his or her own name.

Sec. 6. Fiscal Analyst. (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact of more than five thousand dollars shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk within ten calendar days of receipt of a copy of the bill for analysis. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

(e) When amendments to a bill are adopted by a committee or the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note.

(f) When the Legislative Fiscal Analyst determines that the fiscal impact of a bill will be less than five thousand dollars, it shall not be necessary to prepare a detailed fiscal note, and the fiscal note may merely state this fact.

(g) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation of $50,000 or more to implement in the ensuing fiscal year an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairman of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

(h) The authorization bill shall first be considered and if it should be passed on Final Reading then the "A" bill shall be read and voted on for final passage.

(i) The note shall be factual in nature, as brief and concise as may be, and shall if possible provide a reliable estimate in dollars and, in addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure. If, after investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

(j) No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted.

(k) The subject matter of bills submitted to boards, commissions, departments, agencies, or other entities of the state by the Fiscal Analyst shall be kept in strict confidence by said agencies and by the office of Fiscal Analyst together with the content of the fiscal note itself and no information relating thereto shall be divulged by any official or employee prior to its introduction in the Legislature.

(l) To implement the provisions of and assure compliance with Art. III, Sec. 22, of the Nebraska Constitution (deficiency appropriations), and Art. IV, Sec. 7 of the Nebraska Constitution (appropriations in excess of Governor's request), the Appropriations Committee shall advise the Legislature of the number of votes required to assure passage of the same.

For creation of position. RRS 50-418.
For duties of position. RRS 50-419.

Sec. 7. Governor's Budget Bill. The budget bill prepared by the Governor shall be shown as introduced by the Speaker of the Legislature at the request of the Governor.

Governor's Budget message. Const. Art. IV, Sec. 7.

Sec. 8. Reading Title of Bills, Printing. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage.

Const. Art. III, Sec. 14.

Sec. 9. Engrossment of Bills. All bills, before being advanced to Final Reading and passage, shall be engrossed, and copies thereof showing new and stricken matter shall be made available to members.

Sec. 10. Expenditure of Legislative Funds. Those expenditures on which the Legislature votes shall require the approval of the majority of the elected members.

Salaries of employees. Rule 1, Sec. 22.

Sec. 11. Withdrawal of Bills. No bill, having been introduced may be withdrawn except upon motion of the first introducer with the consent of his co-introducers. Such motion, when made, shall not be considered prior to the next succeeding legislative day, and, for its adoption, shall require the affirmative vote of a majority of those voting upon the question.

RULE 5

Withdrawal of bills set for hearing. Rule 3, Sec. 13.

Sec. 12. Division of Bills, Prohibited. No bill shall be divided into two or more bills.

Section 13. Holding of Bills. Unless otherwise disposed of, all bills on which no final action has been taken by the time of adjournment of the regular session in odd-numbered years shall be held over for consideration at the regular session convening in even-numbered years.

RULE 6—BILLS—STAGES OF CONSIDERATION

Section 1. Introduction of Bills. Starting with regular sessions in odd-numbered years, bills shall be numbered consecutively starting with the number 1. Bills introduced in regular sessions in even-numbered years shall start with the number following the number of the last bill introduced in the preceding regular session of an odd-numbered year, (bills introduced in any special session shall start with the number 1) and shall be numbered consecutively as read by the Clerk. After introduction the Clerk shall deliver bills requiring reference to the Reference Committee.

Sec. 2. Objection to Reference of Bills. (a) Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent, or by the vote of a majority of the elected members.

(b) Those bills and resolutions placed on General File by the reference committee will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these matters, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

Sec. 3. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File. A bill will not be read section by section unless requested by a member of the Legislature.

(b) Each section shall be open to amendment. The amendments, if any, recommended by standing committees, shall first be considered. The introducer's amendments, if any, shall next be considered, after which he may move to advance and explain the bill. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Sec. 3.

(c) Bills shall be listed and considered on General File in the order in which they shall be reported from the standing committees, except as modified by the Speaker; Provided, that any bill that comes up for debate for a second time, with the introducer present, shall be placed by the Clerk at the bottom of General File if said introducer asked for further time, unless otherwise directed by the Speaker.

Speaker determine order of bills. Rule 1, Sec. 16.

(d) During consideration of bills on either General or Select File, any member may move that the bill be passed over once and if the motion is carried by a majority of those voting, the bill shall be passed over and shall retain its place on the file.

(e) At any stage of consideration of a bill, a motion to bracket or to bracket to a day certain or to unbracket shall, if made by the primary introducer of the bill, require a majority of those voting. If made by other than the primary introducer, there shall then be required a majority vote of the elected membership. In any event such motions shall alternatively be passed by unanimous consent of the body.

(f) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members.

(g) In the event a bill has become substantially a new and different bill by reason of amendments having been adopted, the Speaker may refer said bill to the Reference Committee who must refer the said bill to a proper committee for a public hearing; Provided, that a majority of the elected members may overrule the decision of the Speaker.

(h) If in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action he may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker. Any rule to the contrary notwithstanding any motion to amend a bill shall require a majority vote of the elected members. Any motion to amend an appropriation bill or a motion to amend an amendment to an appropriation bill shall require a majority vote of the elected members.

(i) Any bill failing to receive 25 votes to be advanced to E & R Initial after three attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on General File:

UC—Unanimous Consent; MEM—Majority of Elected Members; MTV—Majority of those voting.

GENERAL FILE

		Rule-Sec.
On introduction of bill		
Withdraw bill	MTV	5-11
On consideration of bill on General File		
Move to pass over	MTV	6-3d
Move to change order	3/5	1-16
Move to IPP before bill is read	MEM	6-3f
Move to IPP after bill is read	MTV	
Move to Advance to E & R Review	MEM	6-4
Move to return to Committee	MEM	
Move to Reconsider		
(within one legislative day thereafter)	MEM	7-7a
(if after one legislative day, by suspension of the rules only)		7-7a
Move to amend	MEM	6-3h
Move to amend the Amendment	MTV	
Move to withdraw bill-first introducer	MTV	5-11
If returned from Select File		
Motion to return to Select File	MEM	6-5d
Motion to amend	MEM	6-5f
Motion to advance	MEM	6-4
Defeated bill, motion to reconsider	MEM	7-7

Sec. 4. Enrollment and Review. Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology, and correlation. Advancement to Enrollment and Review from General File for such purpose shall require a majority of the elected members. A motion to return to General File from Enrollment and Review shall, for adoption, require the concurrence of a majority of the elected members.

Sec. 5. Select File. When the Legislature considers bills on Select File, any of the following motions shall be in order.

RULE 6

(a) A motion to approve or reject any or all of the changes recommended by the chairman of Enrollment and Review.

(b) A motion to adopt an amendment which shall require a majority of the elected members.

(c) A motion to recommit to the proper standing committee.

(d) A motion to recommit to General File for one or more amendments. If the motion to return is adopted the bill shall be considered first on General File. Any motion may be made the same as when the bill was first on General File. If the bill is readvanced, it shall be given priority consideration by E & R. If the bill is not altered, it may be advanced to E & R for engrossment.

(e) A motion to postpone indefinitely.

(f) Motions made pursuant to subsections b, c, d, and e hereof may be adopted only upon the affirmative vote of a majority of the elected members.

(g) Amendments recommended by E & R shall not be read by the Clerk except upon the request of a member of the Legislature.

(h) Notwithstanding any other provision contained in this section, if the E & R Committee returns a bill to Select File from engrossment, then only the specific enrollment and review amendments may be considered.

(i) Any bill failing to receive 25 votes to be advanced to E & R Final after two attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on Select File.

SELECT FILE

		Rule-Sec.
Motion to advance to E & R for Engrossing if machine vote requested	**MEM**	
Motion to act on E & R amendment	**MTV**	**6-5a**
Motion to amend	**MEM**	**6-5b**
Motion to recommit to a standing committee	**MEM**	**6-5f**
Motion to return to General File for amendment	**MEM**	**6-5d**
Motion to Indefinitely Postpone	**MEM**	**6-5e**

On bill returned from E & R Engrossing & Final Reading		
Motion to return for specific amendment	**MEM**	**6-6**
Motion to adopt specific amendment	**MEM**	**6-6**

Sec. 6. Return to Select File. On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority of the elected members.

Sec. 7. Final Reading. No bill shall be voted on for final passage until:

(a) After five legislative days following the introduction of the bill.

(b) Two legislative days after its reference to Final Reading file.

(c) Printed copies of the bill in its final form, as amended, shall have been available to members and on their desks for at least one legislative day.

Const. Art. III, Sec. 14.

Sec. 8. Final Reading, Motions. On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken. At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

(a) To recommit the bill to Enrollment and Review to correct an error and for re-engrossment.

(b) To recommit the bill to the proper standing committee, with or without instructions.

(c) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members; Provided, however, if the proposed amendment be to add the emergency clause, it may only be adopted by a vote of two-thirds of the elected members.

(d) Any bill returned to Select File for a specific amendment, may if the amendment is rejected, be readvanced to Final Reading without going through Enrollment & Review. A motion to so advance shall require the concurrence of a majority of the elected members.

Members to remain in their seat. Rule 2, Sec. 3g.
No one to be seated beside member during Final Reading. Rule 2, Sec. 3d.

Sec. 9. Question on Final Reading. The question after the Final Reading of bill shall be: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'" If the emergency clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

Majority of elected members required. Const. Art. III, Sec. 13.

Sec. 10. Emergency Clause, Votes Requested. When a bill containing the emergency clause does not receive the required two-thirds constitutional majority on Final Reading, then the emergency clause shall be considered stricken, and the bill without the emergency clause shall be pending on Final Reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?"

Const. Art. III, Sec. 27.

Sec. 11. Governor's Veto. Further Legislative Action. Upon the day of receipt of a message from the Governor announcing his or her veto of a bill, or on any of the next five legislative days in the same annual session, any member may move that the bill so vetoed be taken up for passage in the form presented to the Governor. Whereupon, the question shall be, "Shall the bill pass, notwithstanding the objection of the Governor?" No bill vetoed by the Governor shall be taken up by the legislature for any purpose other than passage of the bill notwithstanding the objection of the Governor or for override of a line-item veto.

Three-fifths vote of the elected members required to pass bill over Governor's veto. Const. Art. IV, Sec. 15. See also Art. IV, Sec. 7.

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner prescribed in case of disapproval of bills.

Const. Art. IV, Sec. 15.

Sec. 12. Bills, Passed Over Veto. Should the Legislature pass a bill over the objections of the Governor by the necessary constitutional majority, it shall so certify and deposit the same with the Secretary of State.

RRS 84-503.

Sec. 13. Certificates. Whenever the Legislature shall override a line item veto, on any bill as provided for in Article 10, Section 15, the Clerk of the Legislature shall cause to be placed on such bill a certificate in content and form as provided for in RRS 84-503 and shall list the items so overriden by section, page, and line.

In addition to such certificate the Clerk of the Legislature shall note on each line, when the legislature votes to override, a stamp reading ''line item veto overriden'' and place thereon the date and his initials.

Sec. 14. (a) Whenever the Governor shall have vetoed more than one item in an appropriation bill, the Appropriations Committee shall review said veto and the chairman of the Appropriations Committee shall report within one legislative day to the Legislature on it's fiscal implications, and affect on operations. If the Appropriations Committee by majority vote decides to recommend to the Legislature an override of the veto on any portion of such an appropriation bill, the chairman of the Appropriations Committee or his/her designee shall first be permitted an opportunity to move that the entire bill become law notwithstanding the line item veto therein.

(b) If such motion fails or is not offered the chairman of the Appropriations Committee or his/her designee shall then introduce motions to override selected portions of the vetoed bill.

(c) Any member of the Legislature may then offer a motion to override the veto of the bill or any portion thereof if the Appropriations Committee by majority action decides not to recommend overriding the veto of the bill or the veto of that portion of the bill.

(d) It shall require 30 votes of the elected members to amend a veto override motion that includes another line item veto.

Sec. 15. When a proposed constitutional amendment does not receive the required four-fifths constitutional majority necessary to submit such proposed amendment to the electors at a special election, then the special election language of the bill shall be stricken, and the bill shall be pending on Final Reading, and the question shall be, ''Shall the bill pass providing for the submission of such proposition at the next general election?'."

The following votes shall be required to adopt the following motions on Final Reading:

FINAL READING

		Rule-Sec.
To return to standing committee	**MEM**	**6-8**
To return to E & R to correct an error	**MEM**	**6-8**
To return to Select File for specific amendment	**MEM**	**6-6**
Unless to add the emergency clause	**2/3**	**6-8**
To pass on Final Reading	**MEM**	**6-9**
With emergency clause attached	**2/3**	**6-10**
Creation of State Office *Const. Art. IV, Sec. 27*	**2/3**	
Motion to reconsider (when failed on Final Reading)	**3/5**	**7-7**
To add the emergency clause	**2/3**	**6-8**
Override Governor's veto	**3/5**	**6-11**
"A" bills considered		**5-6**

Constitutional Amendment. If proposition is to submit amendment to electorate at special election fails to receive 4/5 plurality, then amend bill to provide for general election when adoption is by 3/5 plurality. RRS 49-236.

RULE 7—PROCEEDINGS AND MOTIONS

(A) Order of Business

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall in odd-numbered years, after the period allowed for the introduction of bills, recess for one week. During such recess committees shall prepare, for public distribution, a calendar of hearing dates. No committee hearings shall be held during the recess provided for in this section. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators.

Const. Art. III, Sec. 10.

Each day the Legislature convenes shall be considered a legislative day.

(b) The order of business of the Legislature shall be as follows; except as otherwise provided by the Speaker.

a. Prayer by the Chaplain
b. Roll call
c. Call for correction of the Journal
d. Petitions and memorials
e. Notice of committee hearings and reports
f. Bills on Final Reading
g. Resolutions
h. Introduction of bills and reading by title
i. Consideration of bills on Select File
j. Motions to reconsider
k. Motions to advance bills from committee
l. Other pending motions
m. Unfinished business, including messages on President's desk
n. Consideration of bills on General File
o. Miscellaneous business

(c) Messages from the Governor may be received at any stage of the proceedings.

(d) When a bill shall have been made a special order for a definite time and an adjournment shall intervene for a time beyond the time fixed for such special order, then in that event the bill so made a special order shall be placed in its order on General File. The unfinished business in which the Legislature was engaged at the adjournment of the last preceding sitting shall have preference in the special order of the day.

(e) Upon call for the introduction of bills, any member or any standing committee to which bills are referred for consideration may introduce one or more bills.

Introduction of bills. Rule 6, Sec. 1.

(B) Voting Machine

Sec. 2. Voting, Electric Roll Call. (a) All votes shall be taken viva voca unless otherwise provided for herein. Questions shall be distinctly put in this form, to wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'nay'."

(b) If a machine vote is called for or if the presiding officer is in doubt, he shall cause the result to be obtained by means of the electric roll call system, and in such event shall accept only machine tallied votes except that voice votes shall be accepted on a motion before the House while the House is under Call. The presiding officer may vote by voice. Only the totals shall be printed in the Journal. Once having voted aye or nay, senators may call in a change to not voting prior to the locking of the voting board.

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the electric roll call system shall be used. Voice votes shall be accepted on Final Reading.

(d) Whenever the "ayes" and "nays" are taken by machine vote no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote the Clerk shall announce the ayes, the nays, those present and not voting, those absent and not voting, and those excused and not voting, and on any action to advance or amend bills, these totals shall be set forth in the Journal. Voice votes shall be accepted on roll call or record votes.

(C) Motions

Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

a. To adjourn
b. For the previous question
c. To postpone to a time certain
d. To recommit to a committee
e. To amend
f. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged, except that motions to postpone indefinitely and amend do not yield to each other.

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

a. Motion to postpone indefinitely on Select File
b. Motion to advance bills from committee
c. Motion to place bills on General File, notwithstanding the action of a standing committee

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(c) Amendments to the title shall be made by the Enrollment and Review Committee.

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment.

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert.

(f) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

Sec. 4. Shall the Debate Cease. The previous question shall be in this form, "Shall the debate now close?"

The previous question shall be made only in the normal course of speaking order and shall be in order when demanded by five or more members, and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn. The presiding officer may rule the previous question out of order if in the presiding officer's opinion a full and fair debate has not been afforded, due to the complexity of the subject matter. The ruling of the presiding officer shall be subject to overrule in accordance with Rule 1, Sec. 12 of these Rules.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

When the previous question shall have been ordered on a proposition under debate, the mover, proponent, or introducer of such proposition shall be given the right to close the debate thereon.

Sec. 5. Call of the Legislature. A Call of the Legislature may be made by any member in the manner following: "I move for a Call of the Legislature." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under Call. If a majority of the senators present and voting vote in favor of such a motion then the Legislature shall be deemed to be under Call. Each member present shall indicate his presence upon the electric roll call system and shall remain in his seat during the Call. After the Clerk shall note the names of the absentees, proceedings under the Call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. If all absentees were to vote on one side of the question, and if their combined vote would be insufficient to change the result of the vote, the President shall declare the Call raised.

Lieutenant Governor votes only when Legislature equally divided. Rule 1, Sec. 14.
Voice vote while House under Call. Rule 7, Sec. 2b.

Sec. 6. Postpone to Time Certain. No motion to postpone to a time certain, to commit, or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill or proposition.

Sec. 7. Reconsideration. (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading. In such case, it must be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

Motion to reconsider cannot be withdrawn without leave. Rule 7, Sec. 3.

(b) Every motion to reconsider shall take preference over all other questions, except a motion to adjourn.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

- i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.
- ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.

Sec. 8. Strike the Enacting Clause. A motion to strike the enacting clause if adopted, is equivalent to rejection of the bill. It shall not have precedence over a motion to amend nor a motion to indefinitely postpone.

Sec. 9. Motion to Adjourn. A motion to adjourn shall be in order, except:

- a. While a member is speaking.
- b. When a motion to adjourn has just been defeated.
- c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions.

When a motion to adjourn has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion, otherwise a motion to adjourn is not debatable.

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Appointment of members to	3	2b
Definition of	3	4b
Designation of	3	4a
Enrollment and Review		
Chairman of, privilege	3	4d
Duties	3	4d
SELECT FILE		
Amendments		
Enrollment and Review, prohibit other amendments	6	5
Vote required	6	5f
Bills		
Advancement E & R for engrossment, when	6	4
Fail to advance a second time	6	5i
Return from Final Reading	6	8c
Motion, enumeration of	6	
SENATORS		
Absence of, excused, when	2	4a
Absent, explanation of vote	2	5
Addressing the Chair, procedure	2	7a
Attendance at meetings, requirement	2	4a
Censure, excepted words	2	8
Exception to words spoken	2	9
Expulsion of, procedure	2	6
Families, admitted to floor, when	2	3d
Final Reading, remain in seats	2	3g
Immunity for words spoken	2	9
Personal Privilege	2	11
Restriction on speaking	2	10
Signature on bills	5	4
Speaking on floor, limitation on length	2	10
Use of profanity prohibited	2	7b
Violation of Rules, restrictions on	2	8
Words excepted to	2	9
SERGEANT AT ARMS		

	Rule	Sec.
Compel presence of member	2	4b
Duties of	1	20
Election of	1	2
SESSIONS		
Debate, limitations on, length	2	10
Immunity for words spoken during	2	9
Interruption of, prohibited	2	7b
Limitation on duration	7	1
Violation of Rules, objection to	2	8
SPEAKER		
Acting President, when	1	5
Bills		
Poor form, refer to committee	6	3g
Refer back to committee	6	3h
Bills on General File, set order	6	3c
Committee membership, restricted	3	3b
Election of	1	1
Excuse members, authority to	2	4a
Postpone the reconvening of the Legislature	1	16a
Preside over Legislature	1	15
Privileged at any time	1	15
Reporting order of bills	1	16
Security guards, supervision of	1	20c
Service on committee, temporary appointment	3	10
Signing bills and resolutions	1	13
SPECIAL COMMITTEES		
Designation of	3	5
Introduction of bills	5	5b
SPECIAL ORDER		
Order of bill not yet reached	7	1d
SPECIAL ORDER OF THE DAY		
Unfinished business	7	1d
STANDING COMMITTEES		
Appointment of members to	3	2b
Bills		
Attempt to put on General File, failure, effect	3	19c
Correlations of bills into lesser number	3	12
Recommit from Final Reading	6	8b
Twenty days, motions to place on General File	3	19b
Chairman, selection by secret ballot	3	7a

	Rule	Sec.
Definition and enumeration of	3	3
Duration of membership	3	2c
Eight calendar days, duty to act	3	16b
Force bill to be placed on General File	3	16
Indefinitely postponed		
Motion to place on General File notwithstanding	3	17
Introduction of bills after tenth day	5	5a
Membership on, appointment to	3	2b
Nomination of members for	3	3
Number of members on each committee	3	3
Raise bill indefinitely postponed	3	17
Record of proceedings	3	18
Report from, required, when	3	16
Report to the Legislature		
Indefinitely postponed	3	17
On General File	3	17
Requirement of, contents	3	18
Resolutions		
Consideration of	4	4
Reference to	4	8
Speaker, not member of	3	3b
Time for meetings	3	6
Vice Chairman, designation by committee	3	7c
SUSPENSION OF THE RULES		
Additional names as introducers	5	4
Votes required	2	2
UNANIMOUS CONSENT		
Suspension of the Rules, prohibited when	5	4
VACANCIES		
On committees, appointment to	3	10
VISITORS		
Legislative Chamber, admission to	2	3
Notice to presiding officer	2	7b
VOTING		
Absent members, insert in Journal	2	5
Committees, action on bills	3	16
Expulsion of members	2	6
Lieutenant Governor, only when tie	1	14
Machine vote, decision announced, votes thereafter	7	2d
Machine votes, when required	7	2b
Question, form of	7	2a

	Rule	Sec.
Record or roll call vote, requested by member, when	7	2d
Resolutions, plurality required	4	6
Voice vote, authorized when	7	2a
WITHDRAWAL OF BILLS		
Procedure, consent	5	11
Restriction on, when set for hearing	3	13

FIRST DAY - JANUARY 7, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 7, 1981

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Eighty-Seventh Legislature, First Session of the Legislature of Nebraska, assembled in Legislative Hall of the Capitol Building at the hour of 10:00 a.m. on Wednesday, January 7, 1981, and was called to order by President Luedtke.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

Presentation of colors by the Nebraska National Guard Ceremonial Unit.

ROLL CALL

The roll was called and the following members were present.

Barrett, William E.
Beutler, Chris
Beyer, Emil E., Jr.
Burrows, George
Carsten, Calvin F.
Chronister, Harry B.
Clark, Robert L.
Cope, Ron
Cullan, Samuel K.
DeCamp, John
Dworak, Donald N.
Fenger, George
Fitzgerald, Tom
Fowler, Steve
Goll, James E.
Goodrich, Glenn A.
Haberman, Rex
Hefner, Elroy M.
Higgins, Marge
Hoagland, Peter
Johnson, Lowell C.
Johnson, Vard
Kahle, Martin
Kilgarin, Karen
Kremer, Maurice
Labedz, Bernice
Lamb, Howard
Landis, Dave
Maresh, Richard
Marsh, Shirley Mac
Marvel, Richard D.
Newell, David R.
Nichol, William E.
Peterson, Howard
Peterson, Richard
Pirsch, Carol McBride
Remmers, R. Wiley
Rumery, Myron
Schmit, Loran
Sieck, Harold F.
Stoney, Larry D.
Vickers, Tom
Von Minden, Merle
Wagner, Don
Warner, Jerome
Wesely, Don
Wiitala, Steve

Messrs. Ernie Chambers and Gerald Koch were excused until they arrive.

MOTION - Adopt Rules

Mr. Marvel moved that the Rules in effect on the 60th Legislative Day of the 86th Legislature, 2nd Session, be adopted for today only, January 7, 1981.

The motion prevailed with 45 ayes, 0 nays, and 4 not voting.

MOTION - Temporary Clerk and Sergeant at Arms

Mrs. Labedz moved that we appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Mr. Ray Wilson as temporary Sergeant at Arms.

The motion prevailed.

RESIGNATION

November 26, 1980

Governor Charles Thone
State Capitol
2nd Floor N.E.
Lincoln, NE 68509

Dear Governor Thone:

This is my official notice to you and the State of Nebraska that I am resigning my position as Legislator from the 9th Legislative District effective November 30, 1980.

Respectfully,
(Signed) Ray Powers
State Senator

RP:gw
cc: Allen J. Beermann, Secretary of State
Senator Richard Marvel, Speaker
Patrick J. O'Donnell, Clerk
Thomas F. Burke, Exec. Dir., Sunshine Commission

MESSAGE FROM THE SECRETARY OF STATE

January 7, 1981

Patrick O'Donnell
Clerk of the Legislature
State Capitol Bldg.
Lincoln, NE 68509

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Marge Higgins as Member of the Legislature from the Ninth (9th) Legislative District for the unexpired term of Ray Powers, resigned.

Sincerely yours,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that MARGE HIGGINS, has been appointed a Member of the Nebraska State Unicameral Legislature from the Ninth (9th) District for the unexpired term of Ray Powers, resigned, for the term beginning December 2, 1980, for such time as she shall satisfactorily perform all the duties imposed upon such officer by law.

I further certify that the foregoing appointment was made by Governor Charles Thone under the authority granted by the Constitution and by Section 32-1042 of the revised statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this seventh day of January in the year of our Lord, one thousand nine hundred and eighty-one.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, CHARLES THONE Governor of the State of Nebraska, do hereby appoint Marge Higgins of Omaha, Nebraska to the office of Member of the Legislature - District 9 to do and perform all the duties of said office for the term beginning December 2, 1980 for such time as she shall satisfactorily perform all the duties imposed upon such officer by law, and until January 7, 1981. Said appointee succeeds Ray Powers, resigned.

Done at Lincoln, Nebraska, this 2nd day of December A.D. 1980.

(Signed) Charles Thone
Governor, State of Nebraska

OFFICIAL OATH

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

"I MARGE HIGGINS, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of State Legislator-Ninth District according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) Marge Higgins

Subscribed in my presence and sworn to before me this 4th day of December, 1980.

(Signed) Allen J. Beermann
Notary Public

(SEAL)
*Constitution of the State of Nebraska,
Article XV, Section One.

RESIGNATION

December 22, 1980

The Honorable Charles Thone
State Capitol Building
Lincoln, NE 68509

Dear Governor Thone:

Since you and the other Governors of the Old West Region appointed me as director, European Office, of that Commission, I am submitting to you with some regret my resignation as State Senator, District 16, effective 10:00 a.m., December 31, 1980.

I was glad to serve the people of my district and all Nebraskans for the last six years and believe that I have made some contributions to their general welfare. I also enjoyed the good working relationship we had in the last two years.

Since we have both been committed for several years to increase exports of our agricultural and manufactured products for the benefit of all Nebraskans, I am certain that our close cooperation towards that goal will continue in the coming years.

Sincerely,
(Signed) Walter George
State Senator

MESSAGE FROM THE SECRETARY OF STATE

January 7, 1981

Patrick O'Donnell
Clerk of the Legislature
State Capitol Bldg.
Lincoln, NE 68509

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of James E. Goll as Member of the Legislature from the Sixteenth (16th) Legislative District for the unexpired term of Walter George, resigned.

Sincerely yours,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that JAMES E. GOLL, has been appointed a Member of the Nebraska State Unicameral Legislature from the Sixteenth (16th) District for the unexpired term of Walter George, resigned, for the term beginning January 5, 1981, for such time as he shall satisfactorily perform all the duties imposed upon such officer by law.

I further certify that the foregoing appointment was made by Governor Charles Thone under the authority granted by the Constitution and by Section 32-1042 of the revised statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this seventh day of January in the year of our Lord, one thousand nine hundred and eighty-one.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, CHARLES THONE Governor of the State of Nebraska, do hereby appoint James E. Goll of Tekamah, NE to the office of Member of the Legislature - District 16 to do and perform all the duties of said office for the term beginning January 5, 1981 for such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until the law provides. Said appointee succeeds Walter George, resigned.

Done at Lincoln, Nebraska, this 5th day of January A.D. 1981

(Signed) Charles Thone
Governor, State of Nebraska

OFFICIAL OATH

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

"I James E. Goll, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of Legislature - Dist. 16 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) James E. Goll

Subscribed in my prescence and sworn to before me this 5th day of January, 1981.

(Signed) Allen J. Beermann
Notary Public

(SEAL)
*Constitution of the State of Nebraska
Article XV, Section One.

MOTION - Committee on Credentials

Mr. Kremer moved that we proceed to the election of 5 persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the Legislature in General Election in November, 1980.

The motion prevailed.

Mr. Kremer nominated Mr. Clark.

Mrs. Marsh nominated Mr. Warner.

Mr. Newell nominated Mr. Kahle.

Mr. Schmit nominated Mrs. Marsh.

Mr. Goodrich nominated Mr. Carsten.

Mr. DeCamp moved the nominations be closed. The motion prevailed.

The above nominations were elected with 44 ayes, 0 nays, and 5 not voting.

EASE

The Legislature was at ease from 10:17 a.m. until 10:21 a.m.

Mr. Clark reported on the Credentials Committee.

REPORT OF COMMITTEE ON CREDENTIALS

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of Members of the Nebraska Unicameral Legislature elected or appointed to serve in the Eighty-Seventh Legislature, First Session (Regular), 1981.

Further, I hereby certify that the Members so listed on the Official Roster attached hereto are the duly elected or appointed Members of the Unicameral Legislature in the State of Nebraska for the Eighty-Seventh Legislature, First Session (Regular), 1981.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this seventh day of January in the year of our Lord, one thousand nine hundred and eighty-one.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

MEMBERS OF THE LEGISLATURE
EIGHTY-SEVENTH LEGISLATURE
First Session (Regular), 1981

DIST.	NAME	ELECTED
1	R. Wiley Remmers	November 4, 1980
2	Calvin Carsten	November 7, 1978
3	Emil E. Beyer, Jr.	November 4, 1980
4	Larry Stoney	November 7, 1978
5	Bernice Labedz	November 4, 1980
6	Peter Hoagland	November 7, 1978
7	Karen Kilgarin	November 4, 1980
8	Vard Johnson	November 7, 1978

9	Marge Higgins	Appointed to complete term of Ray Powers, Resigned, December 2, 1980 Elected November 4, 1980
10	Carol McBride Pirsch	November 7, 1978
11	Ernie Chambers	November 4, 1980
12	Gerald D. Koch	November 7, 1978
13	Dave Newell	November 4, 1980
14	Tom Fitzgerald	November 7, 1978
15	Lowell C. Johnson	November 4, 1980
16	James E. Goll	Appointed to complete term of Walter George, Resigned, January 5, 1981
17	Merle Von Minden	November 4, 1980
18	Harry B. Chronister	November 4, 1980*
19	Elroy M. Hefner	November 4, 1980
20	Glenn A. Goodrich	November 7, 1978
21	Richard Peterson	November 4, 1980
22	Donald N. Dworak	November 7, 1978
23	Loran C. Schmit	November 4, 1980
24	Harold F. Sieck	November 7, 1978
25	Jerome Warner	November 4, 1980
26	Don Wesely	November 7, 1978
27	Steve Fowler	November 4, 1980
28	Chris Beutler	November 7, 1978
29	Shirley Marsh	November 4, 1980
30	George Bill Burrows	November 7, 1978
31	Steve Wiitala	November 4, 1980
32	Richard Maresh	November 7, 1978
33	Richard D. Marvel	November 4, 1980
34	Maurice A. Kremer	November 7, 1978
35	Howard L. Peterson	November 4, 1980
36	Ron Cope	November 7, 1978
37	Martin F. Kahle	November 4, 1980
38	Tom Vickers	November 7, 1978
39	William E. Barrett	November 4, 1980
40	John DeCamp	November 7, 1978
41	Donald L. Wagner	November 4, 1980
42	Myron G. A. Rumery	November 7, 1978
43	Howard A. Lamb	November 4, 1980
44	Rex Haberman	November 7, 1978
45	George Fenger	November 4, 1980
46	David M. Landis	November 7, 1978
47	Robert L. Clark	November 4, 1980
48	William E. Nichol	November 7, 1978

49 Samuel K. Cullan November 4, 1980
*Two Year Term

Mr. Carsten moved the report of the Committee on Credentials be accepted.

The motion prevailed.

MOTION - Escort Chief Justice

Mr. Cope moved that a Committee of 6 members be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the newly elected members of the Legislature.

The motion prevailed.

The President appointed Messrs. Cope, DeCamp, Lamb, Cullan, Chambers, and Dworak to serve on said Committee.

EASE

The Legislature was at ease from 10:24 a.m. until 10:33 a.m.

The Committee escorted Chief Justice Norman Krivosha to the rostrum to administer the Oath of Office to the newly elected members.

MEMBERS' OATH OF OFFICE

STATE OF NEBRASKA)
)ss.
LANCASTER COUNTY)

Do you and each of you solemnly swear that you will support the Constitution of the United States, and the Constitution of the State of Nebraska, and that you will faithfully discharge the duties of a member of the Legislature according to the best of your ability, and that at the election at which you were chosen to fill such office, you have not accepted, nor will you accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote you may give or withhold on any bill, resolution, or appropriation), so help you God.

William E. Barrett
Emil E. Beyer, Jr.
Ernie Chambers
Harry B. Chronister
Robert L. Clark
Samuel K. Cullan
George Fenger
Steve Fowler
James E. Goll
Elroy M. Hefner
Marge Higgins
Lowell C. Johnson
Martin Kahle
Karen Kilgarin
Bernice Labedz
Howard Lamb
Shirley Mac Marsh
Richard E. Marvel
David R. Newell
Howard Peterson
Richard Peterson
R. Wiley Remmers
Loran Schmit
Merle Von Minden
Don Wagner
Jerome Warner
Steve Wiitala

Subscribed in my presence and sworn to before me this seventh day of January, 1981.

(Signed) Norman Krivosha
Chief Justice

The Committee escorted the Chief Justice from the Chamber.

MOTION - Election of Officers

Mr. Clark moved that the following officers elected by the Executive Board be approved for this Eighty-Seventh Legislature, First Session:

Clerk of the Legislature	Patrick J. O'Donnell
Asst. Clerk of the Legislature	Richard Brown
Sergeant at Arms	Ray Wilson

The motion prevailed with 46 ayes, 0 nays, and 3 not voting.

MOTION - Election of Speaker

Mr. Kahle moved that we proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Mr. Marvel was duly elected Speaker with a unanimous vote.

MOTION - Escort Chief Justice

Mr. Nichol moved that a committee of 6 members be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

The motion prevailed.

The President appointed Messrs. Nichol, Stoney, Beutler, Landis, V. Johnson, and Hoagland to serve on said committee.

EASE

The Legislature was at ease from 10:48 a.m. until 10:51 a.m.

The Committee escorted the Chief Justice to the rostrum to administer the Oath of Office to the newly elected officers.

OFFICERS OATH OF OFFICE

STATE OF NEBRASKA)
)ss.
LANCASTER COUNTY)

We, and each of us, do solemnly swear that we will support the Constitution of the United States, the Constitution of the State of Nebraska, and faithfully discharge the duties of our respective offices to the best of our ability, so help us God.

Speaker	Richard D. Marvel
Clerk	Patrick J. O'Donnell
Assistant Clerk	Richard K. Brown
Sergeant at Arms	Ray R. Wilson

The Committee escorted the Chief Justice from the Chamber.

MOTION - Committee on Committees Chairperson

Mr. Fitzgerald moved that we proceed to the election of the Chairperson of the Committee on Committees.

The motion prevailed.

Mr. Koch nominated Mrs. Marsh.

Mr. Goodrich nominated Mr. Clark.

The Chair declared the nominations closed.

The Chair appointed Messrs. Rumery and Sieck and Mrs. Pirsch as tellers.

Marsh	28
Clark	20
Warner	1
	49

The Chair declared Mrs. Marsh duly elected Chairperson of the Committee on Committees.

MOTION - Chairperson of Executive Board

Mrs. Pirsch moved that we proceed to the election of the Chairman of the Executive Board of the Legislative Council.

The motion prevailed.

Mr. Carsten nominated Mr. Stoney.

Mr. Wagner nominated Mr. Lamb.

The Chair declared the nominations closed.

The Chair appointed Messrs. Vickers, Fitzgerald, and Wesely as tellers.

Stoney	23
Lamb	25
Chambers	1
	49

The Chair declared Mr. Lamb duly elected Chairperson of the Executive Board.

MOTION - Vice Chairperson of Executive Board

Mr. Burrows moved that we proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Mr. Chambers placed his own name for nomination.

Mr. Chambers moved to cease nominations and declared unanimous ballot be cast for Mr. Chambers.

The motion lost with 3 ayes, 31 nays, and 15 not voting.

Mr. Koch nominated Mr. Dworak.

Mr. Nichol nominated Mr. Hefner.

The Chair declared the nominations closed.

The Chair appointed Messrs. Landis, Maresh, and Newell as tellers.

Chambers	2
Dworak	27
Hefner	20
	49

The Chair declared Mr. Dworak duly elected Vice Chairperson of the Executive Board.

MOTION - Executive Board Members

Mr. Maresh moved that we proceed to the election of the other 6 members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Messrs. Schmit and Carsten were nominated from District 1.

Mr. Fitzgerald and Mrs. Pirsch were nominated from District 2.

Messrs. Clark and Nichol were nominated from District 3.

Mr. Clark moved the report be accepted.

The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

The Chair declared the nominees duly elected.

MOTION - Committee on Committees Members

Mr. Rumery moved that we proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the four districts, as enumerated in Rule 3, Sec. 17, to nominate three members to be elected by the Legislative body to serve on the Committee on Committees.

The motion prevailed.

District 1
Wesely
Beutler
Remmers

District 2
Labedz
Newell
Koch

District 3
L. Johnson
Schmit
DeCamp

District 4
Kahle
Wagner
Haberman

Mr. Kremer moved the approval of the above nominees to the Committee on Committees.

The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

The Chair declared the nominees duly elected.

MOTION - Committee Chairpersons

Mr. Hefner moved that we proceed to the election of the Committee Chairpersons, by secret ballot, in accordance with Rule 3, Sec. 2.

The motion prevailed.

CHAIRPERSON - Administrative Rules & Regulations

Mr. Koch nominated Mr. V. Johnson.

Mr. Nichol nominated Mr. Haberman.

The Chair declared the nominations closed.

The Chair appointed Messrs. Kremer, Stoney, and Fowler as tellers.

V. Johnson	24
Haberman	24
	48

The Chair declared the ballot a draw and to re-cast their votes.

V. Johnson	25
Haberman	23
	48

Mr. V. Johnson was duly elected Chairperson of the Administrative Rules & Regulations Committee.

CHAIRPERSON - Agriculture and Environment

Mr. Kahle nominated Mr. Schmit.

Mr. Warner moved to cease nominations and to cast a unanimous vote for Mr. Schmit.

The motion prevailed with 46 ayes, 0 nays, and 3 not voting.

Mr. Schmit was duly elected Chairperson of the Agriculture and Environment Committee.

CHAIRPERSON - Appropriations

Mr. Marvel nominated Mr. Warner.

Mr. Clark moved to cease nominations and to cast a unanimous vote for Mr. Warner.

The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Mr. Warner was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Mr. Warner nominated Mr. Barrett.

Mr. Schmit nominated Mr. DeCamp.

The Chair declared the nominations closed.

The Chair appointed Messrs. Koch, Cullan, and Beutler as tellers.

Barrett	24
DeCamp	25
	49

Mr. DeCamp was duly elected Chairperson of the Banking, Commerce and Insurance Committee.

CHAIRPERSON - Business & Labor

Mr. Kahle nominated Mr. Maresh.

Mr. Kremer moved to cease nominations and to cast a unanimous vote for Mr. Maresh.

The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Mr. Maresh was duly elected Chairperson of the Business & Labor Committee.

CHAIRPERSON - Constitutional Revision & Recreation

Mr. Schmit nominated Mrs. Labedz.

Mr. DeCamp moved to cease nominations and to cast a unanimous vote for Mrs. Labedz.

The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Mrs. Labedz was duly elected Chairperson of the Constitutional Revision & Recreation Committee.

CHAIRPERSON - Education

Mr. Barrett nominated Mr. Koch.

Mr. Clark moved to cease nominations and to cast a unanimous vote for Mr. Koch.

The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Mr. Koch was duly elected Chairperson of the Education Committee.

CHAIRPERSON - Government, Military & Veterans Affairs

Mr. Maresh nominated Mr. Kahle.

Mr. Nichol moved to cease nominations and to cast a unanimous vote for Mr. Kahle.

The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Mr. Kahle was duly elected Chairperson of the Government, Military & Veterans Affairs Committee.

CHAIRPERSON - Judiciary

Mr. Carsten nominated Mr. Nichol.

Mr. Hefner moved to cease nominations and to cast a unanimous vote for Mr. Nichol.

The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Mr. Nichol was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Miscellaneous Subjects

Mr. Kahle nominated Mr. Hefner.

Mr. Sieck nominated Mr. Newell.

The Chair declared the nominations closed.

The Chair appointed Messrs. Wagner, Dworak, and Hoagland as tellers.

Hefner	27
Newell	21
	48

Mr. Hefner was duly elected Chairperson of the Miscellaneous Subjects Committee.

CHAIRPERSON - Public Health & Welfare

Mr. Kremer nominated Mr. Cullan.

Mr. Carsten moved to cease nominations and to cast a unanimous vote for Mr. Cullan.

The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Mr. Cullan was duly elected Chairperson of Public Health & Welfare Committee.

CHAIRPERSON - Public Works

Mr. Nichol nominated Mr. Kremer.

Mr. Rumery moved to cease nominations and to cast a unanimous vote for Mr. Kremer.

The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Mr. Kremer was duly elected Chairperson of the Public Works Committee.

CHAIRPERSON - Revenue

Mr. Nichol nominated Mr. Carsten.

Mr. Clark moved to cease nominations and to cast a unanimous vote for Mr. Carsten.

The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Mr. Carsten was duly elected Chairperson of the Revenue Committee.

CHAIRPERSON - Urban Affairs

Mr. Lamb nominated Mr. Burrows.

Mr. Cullan nominated Mr. Landis.

The Chair declared the nominations closed.

The Chair appointed Messrs. V. Johnson, Hefner, and Goodrich as tellers.

Burrows	20
Landis	24
	44

The Chair declared that no candidate had received a majority and ordered that a second vote be taken.

Burrows	17
Landis	26
	43

Mr. Landis was duly elected Chairperson of the Urban Affairs Committee.

CHAIRPERSON - Intergovernmental Cooperation

Mrs. Labedz nominated Mr. Clark.

Mrs. Marsh moved to cease nominations and to cast a unanimous vote for Mr. Clark.

The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Mr. Clark was duly elected Chairperson of the Intergovernmental Cooperation Committee.

CHAIRPERSON - Rules

Speaker Marvel nominated Mr. Wesely.

Mr. Kremer moved to cease nominations and to cast a unanimous vote for Mr. Wesely.

The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Mr. Wesely was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - E & R Committee

Mr. Wesely nominated Miss Kilgarin.

Mr. Haberman nominated Mr. Fenger.

Mr. Cullan nominated Mr. Wesely.

Mr. Wesely asked unanimous consent to withdraw his name from nomination. No objections. So ordered.

The Chair declared the nominations closed.

The Chair appointed Messrs. Burrows, L. Johnson, and H. Peterson as tellers.

Kilgarin	28
Fenger	20
	48

Miss Kilgarin was duly elected Chairperson of the E & R Committee.

MOTION - Election Returns

Mr. Cope moved that a Committee of 3 be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of 1980.

The motion prevailed.

The Chair appointed Messrs. Newell, Barrett, and Haberman to serve on said Committee.

EASE

The Legislature was at ease from 2:22 p.m. until 2:24 p.m.

The Committee escorted Secretary of State Allen Beermann to the rostrum where he delivered the following report.

REPORT OF SECRETARY OF STATE

January 7, 1981

Speaker of the Legislature
Eighty-Seventh Session, Regular (First Session)
Legislature of Nebraska, Unicameral
State Capitol
Lincoln, NE 68509

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the Abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 4, 1980, for the offices of Members of the Public Service Commission, which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-4, 110, R.S. 1943, Reissue of 1974 as submitted to me for delivery to the Honorable Speaker of the Legislature.

I call to your attention that in the November 4, 1980, General Election, only two State Executive Elective offices appeared on the ballot, that of Public Service Commission, District Four (Fourth) and District Five (Fifth).

I also deliver to you under Seal, the names of candidates receiving the highest number of votes for the particular office and District enumerated. The certificate of the Secretary of State accompanies the listed names.

The original abstract sheets containing the tabulation of votes for the candidates for the Public Service Commission in the various counties of said Districts, covering the General Election of November 4, 1980, which constitutes a part of the official record of the State Board of Canvassers, is submitted for your examination.

Inasmuch as this canvass sheet is a part of the records of the office of the Secretary of State, I respectfully request that it be returned to our office files immediately upon the completion of your Official Canvass.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Certificate Attached
Attendant to Deliver - 93 County Abstracts

(Seal)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of the candidates for office of Member of the Public Service Commission, District Four (Fourth) and District Five (Fifth), receiving the highest number of votes cast at the General Election in the State of Nebraska, held on November 4, 1980.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this seventh day of January in the year of our Lord, one thousand nine hundred and eighty-one.

(Signed) Allen J. Beermann
Secretary of State

(Seal)

STATE EXECUTIVE OFFICIALS ELECTED AT THE 1980 GENERAL ELECTION

Public Service Commission, District Four (Fourth)	
Eric Rasmussen (R)*	80,844
Public Service Commission, District Five (Fifth)	
Jack Romans (R)*	69,299

*Republican

MESSAGE FROM THE GOVERNOR

January 7, 1981

The Honorable President, Speaker and
Members of the Nebraska Legislature:

It is with great pleasure that I welcome you to this First Session of the Eighty-Seventh Legislature. As I will be delivering my Budget Address and State of the State Message in the near future and knowing of the many demands on your time, I have chosen not to appear today.

As we start anew to discuss, debate and decide the many important issues that face us, let me pledge my cooperation and encourage the open and honest exchange of views that has been the hallmark of the Nebraska Legislature for many years.

During the upcoming months there will be many occasions where we will agree and some where we will disagree. However, let us go forth with the common goal of a government deserving of the support of the citizens of our great state.

With kind personal regards,

Sincerely,
(Signed) CHARLES THONE
Governor

CT:lbv

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following proposed rule changes in the Journal. No objections. So ordered.

AMENDMENT TO RULE 2. SECTION 2
SUSPENSION OF RULES

Sec. 2. These rules may only be suspended by a ~~three-fifths~~ two-thirds majority of the elected members by a machine vote, and may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

PROPOSED RULE CHANGE, RULE 3 SECTION 19

Sec. 19. SUBPOENA PROCEDURE.

(a) It is within the inherent power of any legislative committee to gather information pursuant to its regular functions, and to conduct investigations of matters within its subject-matter jurisdiction.

(b) A committee's power of subpoena should not be exercised unless the committee has determined that no other method of securing the desired information would be successful or practicable, and that the matter is of primary importance to the welfare of the State of Nebraska.

(c) A committee of the Legislature conducting an investigation and gathering information, whether pursuant to Legislative direction or pursuant to its regular functions of oversight and bill preparation, shall observe the following procedures in addition to regular committee procedures whenever subpoenas are issued:

1. Issuance of Subpoenas

(i) A committee may by majority vote of all of its members, taken at a meeting properly called, issue a subpoena requiring a person to appear before the committee and be examined in reference to any matter within the scope of the inquiry or investigation being conducted by the committee, but only when the committee has received prior approval by a majority vote of the executive board to issue subpoenas in connection with the specific inquiry or investigation in question.

(ii) The committee may in the same manner issue a subpoena or subpoena duces tecum requiring any person to appear before the committee and bring with him or her any books, papers, or other documents pertinent thereto.

(iii) While the Legislature is in session, a committee deciding to issue subpoenas must promptly report each issuance to the Legislature. A record shall be made in the Journal reflecting the date the subpoena was issued, to whom it was issued, for what purpose it was issued, and the date on which testimony or production of documents is to take place. Under extraordinary circumstances the identity of the person subpoenaed may be withheld from publication if necessary to protect the safety of an individual or the confidentiality of the matters to be heard.

(iv) A person subpoenaed to attend a hearing of a committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in a court of record.

2 Notice to Witnesses.

(i) Service of a subpoena requiring the attendance of a person at a hearing of a committee shall be made in the manner provided by law for the service of subpoenaed in civil actions at least seven days prior to the date of the hearing unless a shorter period of time is authorized by majority vote of all of the members of the committee in a particular instance when, in their opinion, the giving of seven days notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(ii) Any person who is served with a subpoena to attend a hearing of a committee shall also be served with a copy of the act defining the purpose of the committee, a copy of the rules under which the committee functions, a general statement informing him or her of the subject matter of the committee's investigation or inquiry and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

3. Conduct of the Hearing.

(i) No committee which has issued a subpoena directing a witness to appear at a hearing shall question the witness unless a quorum is present throughout the questioning.

(ii) The hearing shall be public unless the committee, by majority vote of all of its members, determines that a hearing should not be open to the public in a particular instance, due to rare and extraordinary circumstances consistent with Legislative Rule 3, section 15(b) regarding closed meetings.

(iii) The chairperson of the committee shall preside at all hearings and shall conduct the examination of witnesses himself or herself or supervise the examination by other members of the committee. The committee may by majority vote of all its members authorize the questioning of a witness by the committee's counsel or by special counsel.

4. Right to Counsel and Submission of Questions.

(i) Every witness at the hearing may be accompanied by counsel of his or her own choosing, who may advise the witness of his or her rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

(ii) Any witness at the hearing, or a witness' counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as it deems appropriate and relevant to the subject matter of the hearing.

5. Testimony.

(i) The committee shall cause a verbatim record to be made of all proceedings in testimony or other evidence is demanded or offered, which record shall include rulings of the chair, questions of the committee and its counsel, the testimony or responses of witnesses, sworn written statements submitted to the committee and read into the record, and such other matters as the committee or its chair may direct.

(ii) All testimony given or offered at the hearing shall be under oath or affirmation if the witness has been subpoenaed, and in other cases if a majority of the committee members present at the hearing so decide.

(iii) The presiding member at the hearing may direct a witness to answer any relevant question or furnish any relevant book, paper or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by a majority vote of the committee members present, disobedience shall constitute a contempt.

(iv) A witness at the hearing or his or her counsel, with the consent of a majority of the committee's members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter and scope of the committee's investigation or inquiry.

(v) Testimony and other evidence given or offered at a hearing closed to the public shall not be made public unless authorized by majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.

(vi) A witness at a closed hearing, upon request and at his or her own expense, shall be furnished a transcript of his or her testimony at the hearing.

6. Interested Persons.

(i) Any person whose name is mentioned or who is otherwise indentified during the hearing and who, in the opinion of the committee, may be adversely affected thereby, may, upon his or her request or upon the request of any member of the committee, appear personally before the committee and testify in his or her own behalf, or, with the committee's consent, may file a sworn written statement of facts or other documentary evidence for incorporation into the record thereof.

(ii) Upon the consent of a majority of its members a committee may invite any other person to appear at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No invitation to appear, and no request to appear, appearance, or submission of evidence shall limit in any way the committee's power of subpoena.

(iii) Any person who appears before a committee pursuant to this section shall have all the rights, privileges and responsibilities of a witness provided to all other witnesses.

7. Contempt.

A person shall be in contempt if he or she:

1. Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation.

2. Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper or other document subpoenaed by or on behalf of a committee, or

3. Commits any other act or offense against a committee which, if committed against the Legislature would constitute a contempt.

The chairperson of a committee may apply to the Legislature or, during the interim, to the District Court of any county to compel obedience by proceedings for contempt.

8. Penalties.

(i) A person guilty of contempt under the provision of these rules shall be subject to punishment pursuant to R.R.S. 50-105 and 50-106 during the session, or to R.R.S. 50-407 when the Legislature is not in session.

(ii) If a committee fails in any material respect to comply with the requirements of these rules, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(iii) Any member or employee of the Legislature other than the witness concerned or his or her counsel who knowingly violates subsections of these rules concerning the publication of testimony taken at a closed hearing shall be in contempt of the Legislature or, if a member of the Legislature, shall be subject to sanction or suspension according to the statutes governing the Legislature. The speaker on his or her own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure may institute proceedings for the determination of the issue and for the imposition of penalties provided herein. Nothing in this subsection shall limit any power which the Legislature may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

(c) Limitation of Rules.

Nothing contained in this section shall be construed to limit or prohibit the acquisition of evidence or information by any committee by any lawful means not provided for herein.

RULE 5 NEW SECTION 6
SCHEDULING OF BILLS — PRIORITY BILLS

1. Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

2. Each standing committee chairperson may designate two of the committee's bills as priority bills.

3. The Speaker may designate any additional number of priority bills.

4. Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 30th legislative day in the ninety day session and prior to the 20th legislative day in the sixty day session.

5. A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

6. All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

7. All bills not designated as priority bills shall be heard on general file in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills preported out of committee with two or less dissenting votes on a Consent Calendar. Any bill placed on Consent Calendar shall be removed at the written request of three or more senators.

8. Priority bills shall generally be considered ahead of all other bills at each stage of debate, except that priority bills requiring the expenditure of appropriated funds may be held on final reading until such time as the annual appropriations bills have been passed. The Speaker shall structure the agenda of the Legislature so that all priority bills are given an opportunity to be voted upon for final passage prior to the end of the annual session.

9. No priority bill designated under this rule shall have priority over appropriations bills.

RULE 7, NEW SECTION 5
CLOTURE RULE

At any stage of consideration the introducer of the bill or the chairperson of the committee, if it is a committee bill, may move for cloture to the presiding officer after 2 1/2 hours of debate on a priority bill as designated pursuant to rule 5 section 6, or after one hour of debate on a non-priority bill. The presiding officer shall immediately recognize such introducer of chairperson and shall then order debate on the pending amendment or motion to cease. The vote on the pending amendment or motion shall be taken immediately. Following the vote on the pending matter a vote on the advancement of the bill shall be taken without debate. A motion for cloture shall be in order except while a member is speaking, and is not debatable.

Referred to the Rules Committee.

MOTION - Inaugural Ceremony

Mr. Sieck moved that we arrange to hold the inaugural ceremonies for the newly elected State officials on January 8, 1981 at 2:00 p.m.

The motion prevailed.

MOTION - Bills and Journals

Mr. Wesely moved that we provide weekly mailing of all bills and journals without cost to County Clerks and provide boxes to the State Agencies without cost.

The motion prevailed.

MOTION - Temporary Chaplain

Mr. Warner moved that Dr. Robert Palmer be designated Acting Chaplain pending a report by the Executive Board as provided by Rule 1, Sec. 2 of the Rules adopted this day.

The motion prevailed with 34 ayes, 1 nay, and 14 not voting.

ANNOUNCEMENT

Mr. Lamb announced an Executive Board meeting Thursday, January 8, 1981 in room 1520 upon adjournment.

UNANIMOUS CONSENT - Member Excused

Mr. V. Johnson asked unanimous consent to be excused Thursday, January 8, 1981 and Friday, January 9, 1981. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Kenneth V. Buzbee, State Representative Ralph Dunn, and John Rednour from Illinois; and 8 students and teacher from Exeter Public Schools.

ADJOURNMENT

At 2:39 p.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:30 a.m., Thursday, January 8, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 8, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 8, 1981

Pursuant to adjournment, the Legislature met at 9:33 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. Cullan, DeCamp, Fitzgerald, Fowler, and Hoagland who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the First Day was approved.

MOTION - Adopt Rules

Speaker Marvel moved that the Rules in effect on the 60th Legislative Day of the 86th Legislature, 2nd Session, be adopted for today only, January 8, 1981.

The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

MESSAGES FROM THE GOVERNOR

May 1, 1980

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Rural Health Manpower Commission:

> M. L. Chaloupka, M.D., Central NE Medical Clinic, P.C., Memorial Medical Building, Box 690, Broken Bow, Nebraska 68822, for a term expiring September 1, 1980, and succeeding Clarence Davis, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: M. L. Chaloupka, M.D.
Committee on Committees
Rural Health Manpower Commission

May 1, 1980

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Environmental Control Council:

> Harry D. Shaffer, M.D., 630 North Cotner Blvd., Lincoln, Nebraska, 68505, for a term expiring June 22, 1983, and succeeding Dr. Maurice Frazer, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Harry D. Shaffer, M.D.
Committee on Committees
Environmental Control Council

May 1, 1980

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Board of Trustees for Nebraska State Colleges:

The Honorable Dave Martin, 2120 4th Avenue, Kearney, Nebraska 68847, for a term expiring January 1, 1983, and succeeding Robert Wheeler, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: The Honorable Dave Martin
Committee on Committees
Board of Trustees for
Nebraska State Colleges

May 15, 1980

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Public Employees Retirement Board:

Lloyd Kilmer, 682 South 84th, Omaha 68114, for a term expiring January 1, 1983, and succeeding Robert Baburek, term expired.

Gretchen Gottschalk, 1905 Yorkshire Ct., Lincoln 68506, for a term expiring January 1, 1983, and succeeding Larry Kunc, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Lloyd Kilmer
Gretchen Gottschalk
Committee on Committees
Public Employees Retirement Board

June 3, 1980

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Safety Center Advisory Council, all terms expiring August 24, 1982:

Jim Preston, 521 South 14th, Lincoln 68508, succeeding Jim Hedrick, term expired;
Sam Grimminger, P. O. Box 367, Grand Island 68801, succeeding Dan Schneiderheins, term expired;
Nancy Carr, 1702 Norris, McCook, 69001, succeeding Jack Kidder, term expired;
Dr. Kenneth Kimball, Medical Arts Bldg., Kearney 68847, succeeding Ben Meckel, M.D., resigned;
Marvin Broman, P. O. Box 30578, Lincoln 68503, succeeding Jay Kucera, resigned;
Bud Weiss, 923 Washington, Hastings 68901, succeeding Dr. Kenneth Kimball, now representing the medical profession on this Council.
Don Cattle, Wayne State College, Wayne 68787, succeeding William Lovejoy, resigned;

In addition, the following reappointments have been made to the Safety Center Advisory Council, all terms expiring August 24, 1982:

Ivan Abdouch, 902 Capitol Ave., Omaha 68102;
Duane Schmidt, Department of Education, State Office Bldg., Lincoln 68509;
Rollin Schnieder, 101B, Agricultural Engineering, University of Nebraska, Lincoln 68583;
Larry Morris, Game and Parks Commission, 2200 North 33rd Street, Lincoln 68503.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: All appointees
Committee on Committees
Safety Center Advisory Council

June 5, 1980

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Nebraska Game and Parks Commission requiring legislative confirmation:

Richard L. Prasch, Route 2, Box 202, Lexington 68850, term expiring January 15, 1985, and succeeding Todd Kuntzelman, term expired;
Stan Juelfs, Box 202, Kimball 69145, term expiring January 15, 1984, and succeeding George VanPelt, resigned.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Richard Prasch

Stan Juelfs
Committee on Committtees
Game and Parks Commission

July 18, 1980

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Board of Public Roads Classifications and Standards requiring legislative confirmation:

Reappointments
- D. J. Erington, Suite 606, Omaha-Douglas Civic Center, Omaha 68101, term expiring November 3, 1983;
- R. Doyle Hanson, Newcastle 68757, term expiring November 3, 1983;
- Don Swing, Nebraska Department of Roads, Lincoln 68509, term expiring November 3, 1983;

Appointments
- Mark Covert, 8610 Cass St., Omaha 68114, term expiring November 3, 1983, succeeding Don Hoberman, term expired;
- Diane Gless, 310 Beebe, Osceola 68651, term expiring November 3, 1983, succeeding Pat Petersen, term expired;
- Tom Harvat, 701 Arrowhead Drive, North Platte 69101, term expiring November 3, 1983, succeeding Donald Hyde, term expired;
- Ray Lind, 1808 Grove Road, Bellevue 68005, succeeding Blase Cupich, term expired;
- William Lindholm, 942 West 11th, Wahoo 68066, succeeding F. B. Thompson, resigned.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: All appointees
Committee on Committees

Board of Public Roads Classification and Standards

August 26, 1980

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments requiring legislative confirmation:

To the Commission of Industrial Relations
Richard L. Berkheimer, 5925 Norman Road, Lincoln 68512, term expiring June 9, 1983, succeeding Donald F. McGinley, resigned;
To the Political Accountability and Disclosure Commission
Ray Simmons, 525 W. 19th, Fremont 68025, term expiring July 1, 1986, succeeding Wallace Paterson, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Richard Berkheimer
Ray Simmons
Committee on Committees
Commission of Industrial Relations
Political Accountability and Disclosure Commission

August 26, 1980

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Motor Vehicle Industry Licensing Board requiring legislative confirmation:

Robert Martin, 11111 L Street, Omaha, term expiring May 18, 1982, succeeding Gerald Novelly, resigned;
James H. McDonald, 6600 Rexford Drive, Lincoln 68506, term expiring May 18, 1983, succeeding Marlin Armbruster, term expired;
Sandra Kinsey, Unit 17, 7500 South St., Lincoln, 68506, term expiring May 18, 1983, succeeding Francis Hanna, term expired;
Donald Beltz, North Highway 81, Norfolk, 68701, term expiring January 1, 1983, succeeding Donald F. Droud, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: All appointees
Committee on Committees
Motor Vehicle Industry Licensing Board

September 4, 1980

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Coordinating Commission for Postsecondary Education requiring legislative confirmation:

Reappointment
Wendell Wood, 910 East 8th, North Platte 69101, term expiring June 3, 1986.
Appointments

Beth Klosterman, Route 1, David City 68632, term expiring June 3, 1986, and succeeding Norris Leamer, term expired.
Robert H. Berkshire, 2580 South 90th Street, Suite 3, Omaha 68124, term expiring June 3, 1984, and succeeding Greg Eden, resigned.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: All appointees
Committee on Committees
Coordinating Commission for Postsecondary Education

January 6, 1981

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Motor Vehicle Industry Licensing Board, requiring legislative confirmation:

Bob Hinchcliff, 4645 South 84th Street, Omaha 68127, term expiring October 19, 1983, succeeding Julius Novak, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Bob Hinchcliff
Committee on Committees
Department of Motor Vehicles-Motor Vehicle
Licensing Board

ATTORNEY GENERAL'S OPINIONS

Opinion No. 286

April 25, 1980

Dear Senator Haberman:

You have asked us whether there is any statutory definition of "agricultural and horticultural societies," as that term is used in Article VIII, Section 2 of the Nebraska Constitution, which authorizes tax exemption for their property, and section 77-202, R.R.S. 1943, which grants such exemption. You ask because, you inform us, you intend to introduce corrective legislation in the event there is no such definition. We have been unable to find one.

Section 77-202, itself, does not contain such a definition, and our Supreme Court does not seem to have construed this particular provision of section 77-202. In Crete Mills v. Nebraska State Board of Agriculture, 132 Neb. 244, 271 N.W. 684 (1937), the court said in dicta that the State Board of Agriculture was an agricultural society, but propounded no definition of such a society.

Sections 2-2001 to 2-2004, R.R.S. 1943, provide for the incorporation of "any agricultural association formed for the purpose of developing and improving some form of agriculture in this state," but contained no further definition.

Sections 2-201 et seq., deal with county agricultural societies, but we do not believe that Article VIII, Section 2 or section 77-202 were intended to be limited to county agricultural societies, so the sections dealing with county agricultural societies do not provide a useful definition. Sections 2-2801 to 2-2813, R.R.S. 1943, deal with associations or societies of citizens who seek to improve segments of the agricultural industry, homes, and communities of the state, and to cooperate with and to supplement and complement the programs of the Institute of Agriculture and Natural Resources of the University of Nebraska and other state and local organizations. However, we are not at all sure that all organizations contemplated by section 2-2801 et seq. would qualify as "agricultural or horticultural societies," and we are quite sure that section 77-202(1) (b) should not be limited to societies organized under section 2-2801 et seq.

In short, we have found no good statutory definition of the term which we consider with any confidence can be used in applying section 77-202.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan

Assistant Attorney General

RHG:pes
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 289
May 14, 1980

Dear Senator Haberman:

In your letter of April 22, 1980, you advised us that you were considering legislation which would add a tax to support gasohol legislation. You then requested our opinion on the following question:

> "If the bill and the A-bill accompanying same passes and then the bill is declared unconstitutional, does this also make the A-bill unconstitutional and thereby the tax cannot be collected - or can the tax be collected and used for other purposes than those specified in the original bill?"

We assume that your references to the "A-bill" are intended to mean an appropriations bill that often accompanies substantive legislation. It appears to us, from the manner in which this question is posed, that you may have some misunderstanding about the relationship between a primary bill which provides legislative authorization to collect a tax, or conduct some government program, and an appropriations bill which simply allocates a certain amount of monies for the expenditures of government.

As we have noted in past opinions to members of the Nebraska State Legislature, an appropriations bill is separate and distinct from other substantive legislation. In other words, substantive matters like authorizing a tax to be collected, or defining the powers of government officials should not be included in an appropriations act. See 1975-1976 Report of Attorney General, No. 214 at p. 296, a copy of which is attached hereto.

In the example set forth in your letter, we would assume the primary bill would have provided the legislative authorization to collect a tax as well as some type of legislative direction as to the purpose of the act which is to be accomplished by the raising of such revenue. We would also assume that the "A-bill" would constitute an appropriation of the funds collected for expenditures during a specific time period. Consequently, if the primary bill were declared unconstitutional in totality, the accompanying appropriations bill would become, for all practical purposes, a nullity.

Relating this discussion to the specific question you presented, we would note that the authority to collect a tax would have to be provided for in the primary bill. Therefore, if that bill were found unconstitutional, the tax could not be collected.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Robert F. Bartle
Assistant Attorney General

RFB:sjr
Enc.
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

Opinion No. 297
June 26, 1980

Dear Senator Lewis:

By letter dated June 16, 1980, you have requested the counsel of this office in regard to several questions you pose relative to LB 615, 1980, a bill taking effect on July 19, 1980, and providing for a two-tier reimbursement rate structure for state officers and employees who use their personal automobiles while performing state functions.

You note that pursuant to LB 615 state officers and employees will be entitled to 18 1/2 cents per mile travel reimbursement when using their own automobiles on state business at their own convenience, and 21 cents per mile when their automobiles are used at agency convenience. You then refer to a determination made by the Department of Administrative Services that the 2 1/2 cent differential between the rates is reportable income and inquire as to whether it thereby might also be violative of Article III, section 7 of the Nebraska Constitution for legislators to claim the higher rate. That section states in pertinent part:

> "...Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses,..."

It appears to us you actually made two inquiries which we suggest must always be kept separately in mind. First, in traveling to and from legislative sessions, legislators are limited to actual expenses incurred for one round trip. So long as any reimbursement rate can be said to reflect actual expenses of automobile travel, we see no basis to question its propriety. Relative to other travel expenses legislators are entitled to for different activities, the same reasoning applies.

Implicit in your inquiry is a second question which stems from federal income tax law. No matter what level of travel expenses a state officer or employee is entitled to by state law, the Internal Revenue

Service independently establishes a separate rate which it will allow for federal income tax purposes unless a taxpayer can prove actual expenses. We take the view that the state and federal determinations are for different purposes and independent of one another and, obviously, can differ. Thus, it is possible that the 21 cent per mile reimbursement rate may not be violative of the Nebraska Constitution or statutes for the purpose of travel expense reimbursement, but may be reportable income for federal income tax purposes to the extent that the rate exceeds the IRS approved rate.

Of course, we are in no position nor do we have any basis to make a determination of what other rate or rates of reimbursement might be allowed state officials or employees for the use of their personal automobiles while performing state functions. However, on the question of state travel expense reimbursement, it does occur to us that the ultimate standard against which any such rate would be judged is whether it reflects "actual" expenses.

We also hasten to point out that we did not intend by our Opinion No. 220, dated February 13, 1980, to indicate that we know of or could endorse any other formula or method for arriving at a mileage reimbursement rate for state officials or employees. We simply meant to indicate that while it occurred to us they might be conceivable, we are not in any position to undertake such a task ourselves, nor do we have any authority for such an undertaking.

Yours truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Shanler D. Cronk
Assistant Attorney General

SDC:smb
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 302
July 11, 1980

Dear Senator Clark:

You have requested the opinion of this office regarding Legislative Resolutions 230, 258, and 304, passed during the 1980 legislative session for the purpose of interim study of the financial impact of large construction projects, such as power generating plants, on small communities. Specifically, you have inquired whether public power districts can voluntarily share in the costs of building and improving roads which may be necessitated by the construction of such projects.

Additionally, you have inquired whether public power districts can voluntarily share in the costs incurred for fire protection.

Public power districts are organized, pursuant to section 70-602, R.R.S. 1943, as public corporations and political subdivisions of the state. As a statutory creation, a public power district is a mere agency of the state without any powers or authority except such as the Legislature may confer upon it.

Under the present statutory scheme, set forth in Chapter 70, Articles 5 and 6, providing for the organization and operation of a public power district, general statutory authority exists for the expenditure of district funds for the purposes for which the district is being operated, that is, the payment of operating expenses, indebtedness, and repairs, extensions, and improvements of the facilities. According to the Nebraska Supreme Court in United Community Services v. The Omaha National Bank, 162 Neb. 786, 77 N.W.2d 576 (1956):

> ". . .'Companies chartered for the purpose of supplying the public with electricity***have such lawful rights and powers as are clearly and expressly granted, together with such implied***powers as are reasonably***necessary to enable them to exercise those expressly conferred, and to enable them to accomplish the objects of their creation. All rights and powers not thus granted are withheld.'" 29 C.J.S., Electricity, § 15, p. 521.

In our opinion, the above stated legal standard raises significant questions regarding whether the present statutory scheme empowers a public power district to expend funds for the costs under consideration in this instance. Express statutory language providing public power districts with the authority to make such financial contributions would likely be necessary.

We are aware of no constitutional prohibition which would prevent the Nebraska Legislature from enacting legislation to provide for such voluntary contributions by public power districts. Since the monies to be expended constitute public funds, they may only be expended for public purposes. According to the Nebraska Supreme Court, a public purpose has for its objective the promotion of the public health, safety, morals, security, prosperity, contentment, and the general welfare of all the inhabitants. United Community Services v. Omaha National Bank, supra. However, it is primarily the Legislature's perogative to determine whether a particular expenditure of public funds is for a genuine public purpose. In determining whether a proposed expenditure of public funds is valid as devoted to a public use or purpose each case must be decided with reference to the object sought to be accomplished and to the degree and manner in which that object affects the public welfare. In addition, in authorizing the use of a public power district's funds for a public purpose beneficial to it, the Legislature must set up reasonable standards to guide the district in its administration.

It is our opinion that the Nebraska Legislature could authorize by statute voluntary contributions on the part of public power districts for the costs at issue. While it is conceivable that constitutional questions may arise depending upon the particular statutory language employed, such considerations are obviously beyond the scope of this opinion.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Fritz
Assistant Attorney General

LF:ekj
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

July 22, 1980

Dear Senator DeCamp:

In your letter of July 17, 1980, you indicate that you are contemplating amending current Nebraska statutes pertaining to campaigns for public office by imposing a limitation on the amount that a candidate or candidates committee might expend; by imposing a limitation as to the purposes for which a campaign expenditure might or might not be made; and by imposing a limitation as to the time period prior to any election during which campaign expenditures could only be made.

You indicate in your letter that you have certain reservations regarding the constitutionality of such a proposal. We share those reservations.

In this regard we call your attention to the decision of the United States Supreme Court in Buckley v. Valeo, 424 U.S. 1, 46 L.Ed.2d 659, 96 S.Ct. 612 (1976). This case concerned challenges to the key provisions of the Federal Election Campaign Act of 1971.

This Act generally contained the following provisions:

(1) Individual political contributions were limited to $1,000 to any single candidate per election with an overall annual limitation of $25,000 by any contributor;

(2) Independent expenditures by individuals and groups relative to clearly identified candidates were limited to $1,000 per year;

(3) Campaign spending by candidates for various federal offices and spending for national conventions by political parties were subject to prescribed limits;

(4) Contributions and expenditures above certain threshold limits must have been reported and publicly disclosed; and

(5) A system for public financing of presidential campaign activities was established as was a federal election commission.

Reviewing the entirety of these provisions, the United States Supreme Court held:

> "...It is clear that a primary effect of these expenditure limitations is to restrict the quantity of campaign speech by individuals, groups, and candidates. The restrictions, while neutral as to the ideas expressed, limit political expression 'at the core of our electoral process and of the First Amendment freedoms.' (Citations omitted)" Buckley v. Valeo, 424 U.S. at 39, 46 L.Ed.2d at 699

As to the standard which should be applied generally, the United States Supreme Court held:

> "..., the constitutionality of [the Act] turns on whether the governmental interests advanced in its support satisfy the exacting scrutiny applicable to limitations on core First Amendment rights of political expression." Buckley v. Valeo, 424 U.S. at 45, 46 L.Ed.2d at 702.

While the court generally upheld the limitations on contributions, it also concluded that the Act's independent expenditure limitations were unconstitutional under the First Amendment. As to the candidate's own expenditures from personal funds which were limited by the Act, the court held:

> "[The Act's] ceiling on personal expenditures by a candidate in furtherance of his own candidacy thus clearly and directly interferes with constitutionally protected freedoms." Buckley v. Valeo, 424 U.S. at 53, 46 L.Ed.2d at 707.

The court specifically held with reference to these limitations on a candidate's personal expenditures:

> "..., the First Amendment simply cannot tolerate [the Act's] restriction upon the freedom of a candidate to speak without legislative limit on behalf of his own candidacy. We therefore hold that [the Act's] restriction on a candidate's personal expenditures is unconstitutional." Buckley v. Valeo, 424 U.S. at 54, 46 L.Ed.2d at 707, 708.

The act also placed limitations on overall campaign expenditures by candidates seeking nomination for election to federal office. In regard to this restriction, the United States Supreme Court held:

> "No governmental interest that has been suggested is sufficient to justify the restriction on the quantity of political expression imposed by [the Act's] campaign expenditure limitations...." Buckley v. Valeo, 424 U.S. at 55, 46 L.Ed. 2d at 708.

The United State Supreme Court observed with reference to the First Amendment:

> "...The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution it is not the government but the people — individually as citizens and candidates and collectively as associations and political committees — who must retain control over the quantity and range of debate on public issues in a political campaign." Buckley v. Valeo, 424 U.S. at 57, 46 L.Ed.2d at 709.

While the court did hold that contribution ceilings served a basic governmental interest in safeguarding the integrity of the electoral process "...without directly impinging upon the rights of individual citizens and candidates to engage in political debate and discussion" they also held:

> "...By contrast, the First Amendment requires the invalidation of the Act's independent expenditure ceiling, ..., its limitation on a candidate's expenditures from his own personal funds, ..., and its ceilings on overall campaign expenditures, ... These provisions place substantial and direct restrictions on the ability of candidates, citizens, and associations to engage in protected political expression, restrictions that the First Amendment cannot tolerate." Buckley v. Valeo, 424 U.S. at 58, 46 L.Ed.2d at 710.

Therefore without knowing exactly the nature of your proposed limitations, it is impossible for us to say with certainty whether or not such could be accomplished. We, of course, would be most willing to review any specific proposals once you have drafted them.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:pes
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 308
August 8, 1980

Dear Senator Keyes:

This is in reply to your letter in which you state that you are considering legislation to amend section 83-337, R.S.Supp., 1978.

You inquire if the language in subsection (1) which states:

> "The members of the mental health board shall be allowed compensation at an hourly rate to be determined by the district judge, and in no event shall the amount allowed be less than fifty dollars for each hearing...."

is limited to fifty dollars per day.

You point out that prior to the amendment of the statute in 1976 that board members in counties having a population of less than 200,000 people were paid "for the hearing and final determination of each case" and in counties over 200,000 people said board members were paid "per day" for duties as such board members.

As the section now reads there is no ambiguity. It is clear that the minimum hourly rate set by the district judge cannot be a rate which would total less than fifty dollars for each hearing. The rate "per day" is not considered or mentioned.

It is a cardinal rule of statutory construction that "statutes should be so construed as to give effect to the intention of the Legislature, and, if a statute is plain and unambiguous, there is no room for construction or interpretation." Shellenberger v. Ransom, 41 Neb. 631, 59 N.W. 935 (1894). The Supreme Court of Nebraska has consistently followed the rule announced in the above case for nearly 100 years.

We are therefore of the opinion that under section 83-337(1), R.S.Supp., 1978, members of mental health boards are to be compensated at an hourly rate to be determined by the district judge, but in no event less than fifty dollars for each hearing.

We apologize for the delay in issuing this opinion, but your letter was mislaid when the undersigned assistant was out of the office on business.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 315
September 9, 1980

Dear Senator DeCamp:

You have asked the opinion of this office concerning the constitutional liability of the Nebraska Legislature to make up a decline in the net market value of the permanent school fund caused by the investment of that fund in securities which, because of market conditions at the close of the calendar year, are valued below their cost to the school fund but which are expected to bring their full face value upon maturity or redemption. It is our opinion that the Nebraska legislature has no constitutional liability in the situation that you describe.

Article VII, section 8 of the Nebraska Constitution provides:

> "All funds belonging to the state for educational purposes, the interest and income whereof only are to be used, shall be deemed trust funds. Such funds with the interest and income thereof are hereby solemnly pledged to the purposes for which they are granted and set apart and shall not be transferred to any other funds for other uses. The state shall supply any net aggregate losses thereof realized at the close of each calendar year that may in any manner accrue. Not withstanding any other provisions in the Constitution, such funds shall be invested as the Legislature may by statute provide." (Emphasis added)

The loss in net market value that you have described is not a loss "realized" by the permanent school fund, but it is merely a paper loss until the securities in question are sole or redeemed. The Nebraska Supreme Court in Altsuler v. Peters, 190 Neb. 113, 206 N.W.2d 570 (1973), at page 124, defined "realized" as follows:

> "In general it means received, paid, debited or incurred..."

Applying that definition to the situation that you have described, the yearly fluxuation of the market value of the permanent school fund caused by fluxuation of the market, does not bring about a loss realized or incurred by the permanent school fund.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John E. Brown
Assistant Attorney General

JEB/ta
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 316
September 15, 1980

Dear Senator Goodrich:

You have asked us two questions involving problems concerning the dissolution of marriages when one of the spouses has an unvested interest in a trust. Depending upon our answers to your questions, you state that you may introduce legislation to correct what may be deficiencies in the law.

Your first question is whether a court, when dissolving a marriage, can take into consideration the interest of one of the parties in a testamentary trust, which at the time of the dissolution has not been vested, when the trust is subject to invasion. We conclude that the court can.

We have found no definite answer to your question in Nebraska statutes. Neb.Rev.Stat. § 42-365 (Reissue 1978) authorizes the court to order payment of such alimony and division of property as may be reasonable, having regard to the circumstances of the parties, etc. The discretion of the court seems to be very broad. The nearest Nebraska case we have found is Maxwell v. Maxwell, 106 Neb. 689, 184 N.W. 227 (1921), in which the court held that a trial court could award to the wife the husband's remainder interest in a trust created for the husband's mother, to be distributed to the husband and his brothers and sisters on the mother's death.

The case of Trowbridge v. Trowbridge, 16 Wis.2d 176, 114 N.W.2d 129 (1962) seems to be directly in point. In that case the husband's father had created a trust, with the income to be paid to the husband's mother for life, with the corpus to be paid to the husband if he survived her, otherwise to be held in trust for his issue. The trial court ordered one-third of whatever the husband got from the trust to be paid to the wife. The appellate court upheld the award, saying that it was proper to take this interest into account, even though, in the event the husband were to die before his mother, his interest in the trust would vanish. Interestingly, the court cited in support of its decision the case of Maxwell v. Maxwell, supra.

You also ask whether a trustee, not a party to the litigation, who is ordered by the court to answer certain questions in a deposition, can appeal that order. We think there is no way for him to do so, at least as an appeal in the action in which the deposition is being taken. We know of no way in which a non-party witness can appeal any action taken by a trial court. Even as to a party, the order requiring the answering of questions would not be a final order, subject to appeal.

We assume that the witness you are talking about feels that he should not be required to answer the question because of statutory privilege, and that the court has rejected his claim of privilege. The only way we know of to secure a review of that decision is to refuse to answer, be found in contempt, and to appeal the judgment of contempt.

Sections 25-1229 and 25-1267.44 make refusal to answer questions, after being ordered to do so by the court, contempt. We suppose that, if a trustee felt strongly enough about it, and was sure enough of his grounds, he could refuse to answer, at his peril, and appeal his conviction for contempt. If his appeal fails, however, he would properly be punished. We know of no other way to test the privilege.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

September 16, 1980

Dear Senator Kelly:

By letter dated September 9, 1980, you requested the opinion of this office on two questions relative to the applicability of the Administrative Procedures Act to the Nebraska Adjutant General's office. You first ask whether the exemption from the act granted the Adjutant General's office by Neb.Rev.Stat. §84-901 (Supp. 1979) is limited only to those duties and functions of that office set out in Chapter 55 of the Nebraska statutes, or whether the exemption also extends to the office's civil defense and disaster relief responsibilities set out in Neb.Rev.Stat. §81-829.36, et seq.

The very first section of the Nebraska Administrative Procedures Act defines those state agencies which shall be subject to the act as follows:

> Agency shall mean each board, commission, department, officer, division, or other administrative office or unit of the state government authorized by law to make rules, except the Adjutant General's office as provided in Chapter 55,....

That portion of Chapter 55 dealing with the Adjutant General's office consists of the first three articles thereof. Article 1 codifies the military code, article 2 provides for the State Guard, and article 3 sets out the

Nebraska Code of Military Justice. As you point out, the Adjutant General's office also operates in a completely different realm of responsibility pursuant to Neb.Rev.Stat. §81-829.36, et seq., namely, as the State Civil Defense Agency (CDA) under the direct control and authority of the Governor. Mindful, then, that the work of the Adjutant General's office is divided between these two substantive realms, we think it quite clear from the language of §84-901 that the exemption from the Administrative Procedures Act given the Adjutant General's office was intended to apply only to the administration of its duties and responsibilities set out in Chapter 55.

Your second question is if the civil defense duties and responsibilities of the Adjutant General's office are not exempt from the Administrative Procedures Act, can that office be required to adopt rules and regulations governing disaster relief applications. The primary determinate of which state entities are subject to the Administrative Procedures Act is whether or not they are authorized by law to makes rules, rules being defined in §84-901(2). We have reviewed the civil defense and disaster relief responsibilities of the Adjutant General's office set in §81-829.36, et seq., and we note two different situations in which disaster relief applications are mentioned. Not knowing which you specifically refer to, we shall comment on both.

Section 81-829.42 sets out the administration of the Governor's Emergency Fund. We conclude that nowhere in that provision is the Adjutant General's office authorized to promulgate the kinds of rules contemplated by the Administrative Procedures Act. Thus, with respect to the administration of the Fund, that office is not subject to the Administrative Procedures Act nor may it be required to draft the kind of rules and regulations that act contemplates.

Secondly, §81-829.72 provides for the administration of federal assistance for disaster victims in those situations where major disasters have been declared. By that provision, the Adjutant General's office is required to make regulations to carry out its purpose. We are of the opinion that this legislative provision does authorize the Adjutant General's office to make the kind of rules contemplated by the Administrative Procedures Act, and that indeed, the office is required to make such rules and regulations by the very language found in §81-829.72(2).

Yours truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Shanler D. Cronk
Assistant Attorney General

SDC:ejg

cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 318
September 23, 1980

Dear Senator Wesely:

This is in response to your letter of September 19, 1980. In that letter you state that you are considering the introduction of a legislative bill to prohibit a local school district from closing a school without the consent of the students' parents and the county superintendent. You ask if it is necessary to introduce such a bill or does the present statutory language of Neb.Rev.Stat. § 79-469 (Reissue 1976) already prevent the closing of a school in Lincoln without the consent of the parents or the county superintendent. You ask for our response by Tuesday, September 23, 1980.

The 1949 Legislature passed "an act to revise, adopt, and establish a code of laws for the State of Nebraska relating to schools." LB 1, appearing as Chapter 256, Laws of Nebraska 1949. A large number of the sections of Chapter 79 of the Revised Statutes of Nebraska 1943, and the 1947 Supplement thereto, was incorporated in this new code. Prior to that new code, Neb.Rev.Stat. § 79-469 (Reissue 1976), appeared as Neb.Rev.Stat. § 79-223 (Reissue 1943). Thus a comparison of the two cited statutes may be of value to you. The former provision, Neb.Rev.Stat. § 79-223 (Reissue 1943), stated:

> Subject to the conditions set forth in section 79-221 for closing the school in any district, the school board of any district maintaining more than one school is authorized to close any school or schools within such district and to make provision for the education of children either in another school of said district or in the school of any other district or by correspondence instruction for such children as may be physically incapacitated for traveling to or attending other schools, with the permission of the parent and on the approval of the county superintendent.

Neb.Rev.Stat. § 79-469 (Reissue 1976), provides:

> The school board of any district maintaining more than one school is authorized to close any school or schools within such district and to make provision for the education of children either in another school of said district, or in the school of any other district, or by correspondence instruction for such children as may be physically incapacitated for traveling to or attending other schools, with the permission of the parent and on the approval of the county superintendent.

Thus it can be seen that the two statutes are quite similar — almost identical.

In connection with the two cited statutes, we wish to call your attention to a case entitled State ex rel. Strange v. School District, 150 Neb. 109, 33 N.W.2d 358 (1948). In that case the Nebraska Supreme Court examined the legislative history of Neb.Rev.Stat. § 79-223 (Reissue 1943), and concluded that it applied to school districts organized on the town meeting plan or so-called "country districts" and did not apply to school districts in cities and villages subject to population limitations.

Thus without the passage of LB 1, Chapter 256, Laws of Nebraska 1949, it would be clear that Neb.Rev.Stat. § 79-469 (reissue 1976), would not apply to school districts subject to population limitations. See, for example, Neb.Rev.Stat. § 79-102 (Reissue 1976). Unfortunately, the legislative history of LB 1, appearing as Chapter 256, Laws of Nebraska 1949, does not offer much insight as to the meaning to be subscribed to Neb.Rev.Stat. § 79-469 (Reissue 1976). On the other hand, during the past thirty-one years the governing boards of many school districts subject to population limitations and maintaining more than one school have closed one or more of those schools without "the permission of the parent and on the approval of the county superintendent." We, of course, are in no position to say that it was wrong. Indeed, it is well settled law that construction of a statute of doubtful meaning, given by those whose duty it is to enforce it, and which construction the Legislature has by its continued noninterference for a number of years acquiesced in, will be approved unless it contravenes the Constitution or is clearly wrong. See, e.g., Kennedy v. Royal Highlanders, 109 Neb. 24, 189 N.W. 612 (1922); and State v. Bryan, 112 Neb. 692, 200 N.W. 870 (1924). Certainly the above described administrative construction of Neb.Rev.Stat. § 79-469 (Reissue 1976), does not contravene the Constitution nor can we say that it is clearly wrong.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

Opinion No. 319
September 24, 1980

Dear Senator Goodrich:

You have asked whether a foreign corporation for profit can perform abortions in the State of Nebraska. You have also asked whether such a corporation, without being licensed as a health clinic, can operate a "ladies center" in the "office" of a physician who performs first trimester abortions and related services there. If it can do either lawfully, you want to introduce legislation to make such act or acts unlawful.

Under Neb.Rev.Stat. §§ 71-2017(1), 71-2017.01(4), and 71-2018 (Reissue 1976), a center where abortions are performed on out patients has to be licensed as a health clinic by the Department of Health unless it is the residence, office or clinic of a physician or other stated person, not including a corporation for profit.

A foreign corporation for profit, like a Nebraska corporation for profit, cannot perform any of the personal services which require a license in medicine and surgery. Performing an abortion and "maintain[ing] an office" for the examination or treatment of any physical condition of humans requires such a license. See, Neb.Rev.Stat. §§ 21-2003 and 21-20,105 (Reissue 1977), 21-2202 (Supp. 1980), 71-1,102 (Reissue 1976), and 71-102 (Supp. 1980).

Thus, the "office" of the physician exempted from licensing as a health clinic under Neb.Rev.Stat. §§ 71-2018 and 71-2017.01(4) cannot be maintained by a corporation for profit.

This does not preclude such a corporation from providing some administrative services for the physician who performs the abortions, providing it does not interfere with or control the exercise of professional judgment by the physician. However, if such a corporation solicits the patients for the clinic and gets a share of each fee collected for performing the abortion, the physician may be subject to disciplinary action under Neb.Rev.Stat. § 71-148 (Supp. 1980).

In conclusion, a foreign corporation for profit cannot perform abortions in the State of Nebraska. Such a corporation itself cannot operate a health clinic without a license.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:smb
cc: Mr. Patrick O'Donnell

Clerk of the Legislature

Opinion No. 320
September 26, 1980

Dear Senator DeCamp:

You have written to this office concerning an article appearing in the September 24, 1980, Lincoln Journal with reference to LB 619, 1980 Legislature. You indicated that if the article is correct, then you intend to introduce legislation to remedy the defect pointed out therein.

The article is concerned with studded snow tires. Prior to the passage of LB 619, Neb.Rev.Stat. § 39-6,131 (Reissue 1978), provided that studded snow tires must be removed during the period between April 15 and October 15 of each year. LB 619 did amend this section to eliminate this language.

You are correct in your analysis of LB 619. This bill passed without the emergency clause. Thus, under section 27, Article III, Constitution of Nebraska, the bill became effective three months after the 1980 Legislature adjourned. However, section 9 of the bill provided that sections 3 to 5, 8, and 10 of the act would not become operative until April 16, 1982. Section 3 of the act is the section which amended § 39-6, 131 to eliminate the particular language with which we are concerned. Section 10 of the act is the repealer provision directed toward § 39-6,131 which is the amended section. Thus until April 16, 1982, Neb.Rev.Stat. § 39-6,131 (Reissue 1978), as it existed prior to the passage of LB 619, will remain in effect. Thus, it is clear that there are still restrictions which require the removal of studded snow tires between the period of April 15 and October 15 of each year.

Yours very truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

Opinion No. 323
October 8, 1980

Dear Senator Haberman:

You have asked us whether subdivisions which have a statutory authorization to levy a tax up to a specific mill amount may utilize that statutory authorization or are they limited by the provisions of Neb.Rev.Stat. § 77-3412 et seq. (Supp. 1980), the Political Subdivisions Budget Limit Act of 1979, popularly known as the lid law.

You indicate in your request letter that you are considering legislation in the upcoming session in this area. For that reason we will answer your question.

In your question you point to natural resource districts which are authorized to levy a tax of up to one-quarter mill on all property in a ground water control area. In answer to your question we point out that Neb.Rev.Stat. § 77-3423 (Supp. 1980) provides that:

> [No] governing body of any political subdivision shall adopt a budget statement pursuant to section 23-925, or pursuant to the charter or ordinances of a city with a home rule charter, in which the anticipated combined receipts for the ensuing fiscal year exceeds an increase of seven per cent above the combined receipts budget base.

The combined receipts budget base is defined in Neb.Rev.Stat. § 77-3421 as the total of funds received by a political subdivision from local tax sources and state tax sources. Section 77-3426 authorizes a political subdivision to exceed the seven percent limitation where there is a newly authorized levy created by state law. This section also provides that "thereafter the receipts from such newly authorized tax shall be included in determining receipts from local tax sources.

We believe in construing these sections together one can only conclude that notwithstanding the fact that a political subdivision may be authorized to levy up to a specific mill amount if it is not so levying that amount it may not levy to that amount if such a levy would result in a violation of the seven percent limit on local subdivision budget increases. Thus the answer to your question is that the seven percent lid law takes precedence over a specific mill levy limitation upon political subdivisions.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 334
November 7, 1980

Dear Senator DeCamp:

You have requested the opinion of this office regarding Neb.Rev.Stat. § 25-1640 (Cum.Supp. 1980), as amended by LB 733, 86th Legislature, Second Session, 1980. You explained that such opinion is being sought in order to determine whether you should propose additional legislation.

Neb.Rev.Stat. § 25-1640 (Cum.Supp. 1980) provides in pertinent part:

> Any person who is summoned to serve on jury duty shall not be subject to discharge from employment, loss of pay, loss of sick leave, loss of vacation time, or any other form of penalty, as a result of his or her absence from employment due to such jury duty, upon giving reasonable notice to his or her employer of such summons. *Any person who is summoned to serve on jury duty shall be excused upon request from any shift work for those days required to serve as a juror without loss of pay.*

(Emphasis added.) Violation of section 25-1640 is a Class IV misdemeanor.

Your inquiry focuses on the above emphasized language, added by LB 733. Specifically, you have inquired:

> Could a company establish a policy that requires a person summoned for jury duty (but did not serve as a juror and released for the day which would be a normal working day) to call the company to have a determination made as to whether the company needed that individual to work the remainder of his or her normal working shift?

You have explained that the above emphasized statutory language appears to be subject to varying interpretations which result in contradictory responses to your inquiry. You suggest that said statute could be interpreted to require that an employee, who is summoned to serve on jury duty be excused from work without loss of pay, etc., until the individual's term of jury duty service expires. Contrarily, you suggest that said statute could be interpreted as providing that any person summoned for jury duty service must be excused without loss of pay, etc., from work on any shift *for those days he or she actually serves* as a juror, so if a person summoned for jury service is excused *by the* court for a particular day(s) or on a particular case, he or she could be required to work on that day and could be subject to loss of pay or leave. (Emphasis yours.)

It is well established that in the construction of a statute, preexisting law and any other laws relating to the same subject must be considered. Livestock Carriers Division of Nebraska Motor Carriers Ass'n v. Midwest Packers Traffic Ass'n, 191 Neb. 1, 213 N.W.2d 443 (1973). The existing statutory scheme regarding the selection of jurors clearly contemplates that jurors who are summoned and appear may thereafter be excused from service, subject to recall on the same panel. Neb.Rev.Stat. § 25-1631.03, § 25-1634.01 (Reissue 1979). Pursuant to Neb.Rev.Stat. § 33-138 (Reissue 1978), no person is entitled to jury compensation for the days he or she is voluntarily absent or excused from service by court order.

The language utilized is section 25-1640 (Cum.Supp. 1980), regarding "persons summoned to serve on jury duty," indicates that the class potentially protected, i.e., entitled to absence from employment without penalty, encompasses all persons initially selected who receive a summons to report for jury duty. However, the scope of employment protection provided is limited by the phrase, "for those days required to serve as a juror." In light of the aforementioned statutory scheme, in our opinion, a person who is excused from service by court order is not "required to serve as a juror," within the meaning of section 25-1640. Thus, if a person, summoned for jury duty, is excused from service by court order, he or she is not protected by the provisions of section 25-1640, for the days so excused.

Said interpretation is consistent with the legislative history of LB 234, Eighty-sixth Legislature, First Session, 1979, which indicates that section 25-1640 was originally enacted for the purpose of jury protection, or more specifically, to prevent employers from inhibiting employees in the performance of their civic duty or obligation. (Hearings on LB 234, Committee on the Judiciary, 86th Legislature, 1st Session, 1979, p. 4.) The legislative history of LB 733, which, among other amendments, added the above emphasized language in section 25-1640, indicates that the purpose of said language was merely to clarify that the protection afforded by this statute also extends to persons employed on night shifts. In other words, the purpose of said amendment was to ensure that persons working night shifts would not be penalized by being required to report to work at night after reporting for jury duty during the day. (Floor debate on LB 733, 86th Legislature, 2nd Session, 1980, p. 7910.) In essence, it appears to us that the legislative intent is to secure employment protection for those persons whose required attendance at the courthouse in connection with jury duty would result in absence from employment or would necessitate also working a night shift.

In summary, in our opinion, both the statutory language and legislative history lead to the conclusion that a person, who is summoned for jury duty, but thereafter excused from service and directed not to report to the courthouse unless recalled, could lose pay, etc., for absence from work on the days so excused from jury service.

If we can be of further assistance, please advise.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Fritz
Assistant Attorney General

LF:pes
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 335
November 12, 1980

Dear Senator Haberman:

You have asked whether a county historical society, as defined in Neb.Rev.Stat. §23-355.01, is a political subdivision for the purposes of the Political Subdivision Budget Limit Act of 1979.

In answering your question, it is clear from the statute that a county historical society is not a political subdivision. The statute provides, in part:

> Whenever there is organized within any county in this state, a nonprofit county historical association or society, organized under the corporation laws of this state, a tax of not more than three-tenths of one cent on each one hundred dollars upon the actual value of all the taxable property in such county, except intangible property, may be levied for the purpose of establishing a fund to be used for the establishment, management, purchase of exhibits, equipment, other personal property and real property, and maintenance of such nonprofit county historical association or society, . . .

This statute also requires that a vote of the county electors shall be necessary in order to initially levy such a tax after a request by the board of directors of such a society and the levy may be ended by a vote in the same manner as it was originally established. However, that vote can only occur after a petition signed by at least twenty percent of the registered voters of the county.

This statute makes clear that a county historical society is a nonprofit corporation. It would not perform any of the functions of a governmental subdivision. The sole connection between a county historical society and a county or any other political subdivision would be the fact that the county historical society would be supported by the levy required to be made under the terms of §23-355.01 after the vote of the people of that county authorizing such a levy.

There is, however, an additional question and that is whether or not the mill levy authorized under this section is nonetheless embraced within the county budget and thus covered under the seven percent budget limit act. The statute authorizes the county board to levy up to a specified amount. The statute requires that the amount levied is to be disbursed under the direction and supervision of the county historical society board. However, no explicit direction is given as to who shall determine the amount to be levied.

We believe in these circumstances that the county board is the agency which will determine what amount will be levied to support the historical society. As such, it would be part of the county budget itself. That budget, of course, is subject to the seven percent limit placed on county budgets.

As you know, this does not mean that the specific budget of the county historical society would be subject to the seven percent limitation but only that it would be embraced within the larger county budget which is subject to the seven percent limitation in toto rather than the separate funds which comprise the general budget of the county.

We have answered this question to assist you in developing possible legislation in this area.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 336
November 12, 1980

Dear Senator Maresh:

You have referred us to Neb.Rev.Stat. §§19-3801 et seq. (Reissue 1977) and pointed to an apparent inconsistency in two sections therein involved. You state that there is a problem and you intend to introduce corrective legislation.

Section 19-3801 in part provides, "[T]he county board shall enter into such a contract when requested by a village to do so." These sections generally authorize a county and a city of the first or second class or a village to enter into an Interlocal Cooperation Agreement Act contract for the provision of police services to such subdivisions of government by the county sheriff. In the original enactment in LB 594, Eighty-second Legislature, 1971, the cost of such contracts was to be no greater than $.75 per person per month. This limitation cost was struck by LB 557, Section 1, Eighty-fifth Legislature, 1977.

Your question is, may these sections be read together constitutionally.

Specifically, you ask if §19-3801 requires the county to enter into a contract yet §19-3803 allows for negotiation as to the cost to a village in such a contract, is there a constitutional problem.

We see no constitutional problem involved in these particular provisions. It is obvious that the intent of the legislation is to authorize the provision of police services to cities and villages by the county sheriff. It is contemplated that these services will be governed by a contract to be entered into under the provisions of the Interlocal Cooperation Agreement Act, §§23-2201 et seq. If agreement cannot be reached, one of the terms of the contract will be missing. That term, i.e., the cost, is required under Neb.Rev.Stat. §23-2204 (Reissue 1977), as part of the contract. No specific statute authorizes a means of reconciling such differences. Section 19-3803 requires that prior to the entry into the contract, the cost must be agreed to by both parties. If that agreement cannot be reached by both parties, then the ability to enter into the contract would cease to exist under §19-3803.

Therefore, the provisions of §19-3803 would control over the provisions of §19-3801 requiring the county to enter into such contract. This is particularly true in light of the fact that the second provision is the later enactment of the Legislature and as such would generally control over the prior act if it is not inconsistent with the prior act. We do not see it as being facially inconsistent.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:jmf
CC: Patrick J. O'Donnell

Clerk of the Legislature

Opinion No. 338
November 20, 1980

Dear Senator DeCamp:

You call our attention to Neb.Rev.Stat. §30-2821(2)(f)(Supp. 1980), which provides that a trustee has the power "To deposit, but not to invest, trust funds in a financial institution, including a financial institution operated by the trustee as otherwise authorized by law or regulations governing trustees." You state that if this is interpreted to prohibit a trustee from investing trust funds in any financial institution, a remedial amendment will have to be introduced at the next session of the Legislature.

It would serve no useful purpose for us to attempt to reach any absolute conclusion in answer to your question. This section of the statutes does not deal with the duties of any governmental body, but with the rights and duties of private persons and corporations. Regardless of what we say, trustees and beneficiaries of trusts may reach different conclusions, and our opinion will have no significance.

However, we can say that the statute can be construed to prohibit investments in financial institutions, which may be sufficient for your purposes.

The opposite construction is possible, and a plausible argument can be made that §30-2821(2) is a grant of power to trustees, and not a restriction on such powers. Subsection (1) of that section provides:

> From time of creation of the trust until final distribution of the assets of the trust, a trustee has the power to perform, without court authorization, every act which a prudent person would perform for the purposes of the trust including, but not limited to, the powers specified in subsection (2) of this section.

Were we required to come to a definition conclusion, we might argue that subsection (2) (f) was intended to authorize a trustee to make deposits in financial institutions, but was not intended to specifically authorize investments in such institutions. If, however, such an investment was an act which "a prudent person would perform," as contemplated by subsection (1), we might argue that subsection (2) was not to be construed as a limitation on that power.

However, the deliberate insertion of the phrase, "but not to invest" into subsection (2) (f) can certainly be interpreted as a manifestation of an intention of the Legislature, not very clearly expressed, to prohibit such investments. We have discussed this matter with some attorneys representing institutions acting as trustees, and their general approach seems to be that it would be dangerous for a trustee to make such investments, as the statute now reads. Therefore, if it was not the intention of the Legislature to prohibit investments by trustees in financial institutions, corrective legislation would seem to be called for.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 339
December 12, 1980

Re: Neb.Rev.Stat. § 1-160
Opinion Request

Dear Senator Landis:

We are in receipt of your letter in which you request an opinion as to the constitutionality of Neb.Rev.Stat. § 1-160 (Reissue 1977), and you indicate a desire to recommend its repeal if it is indeed constitutionally infirm. That statute provides:

> No person, partnership, or corporation, not holding a live permit issued under the provisions of section 1-136, shall hold himself or itself out to the public as an accountant or auditor by use of either or both of such words on any sign, card, letterhead, or in any advertisement or directory, without indicating thereon or therein that such person, partnership, or corporation does not hold such a permit; Provided, that this section shall not prohibit any officer, employee, partner, or principal of any organization from describing himself by the position, title, or office he holds in such organization nor any act of any public official or public employee in the performance of his duties as such.

You inform us that the Board of Accountancy has threatened action against two (2) Lincoln businessmen because they are admittedly holding themselves out to be "Accountants" by way of several means of advertisement when in fact they do not hold a permit pursuant to Neb.Rev.Stat. § 1-136 (Reissue 1977). In your letter you indicate that these gentlemen provide "general accounting services to their clients."

Your letter further sets forth substantial information regarding the constitutionality of statutes from other states, which statutes have attempted to regulate the use of the terms "Accountant or Auditor." We have carefully reviewed your letter and the information provided and would submit the following comments and opinion on this matter.

We first wish to emphasize that the statute does not per se probibit the use of the terms "Accountant or Auditor" by nonlicensed individuals but instead requires that any person who is not so licensed must affirmatively disclose that fact. This manner of regulation chosen by the Legislature is of critical importance to our determination as will be noted below.

The use of the terms "Accountant or Auditor" by persons engaged in that general area of business would most certainly appear to be that type of commercial speech which has been given First Amendment protection. Bates v. State Bar of Arizona, 433 U.S. 350 (1977), and Virginia Pharmacy Board v. Virginia Citizens Consumer Council, 425 U.S. 748 (1976). Such holdings have not been without some restraint, and in fact the court emphasized in Virginia Pharmacy, that restrictions on commercial free speech are permissible provided that "They are justified without reference to the content of the regulated speech, that they serve a significant governmental interest, and that in so doing they leave open ample alternative channels for communication of the information." Virginia Pharmacy, 425 U.S. at 771.

Most recently the Maryland Court of Appeals has had the opportunity to test the constitutional firmness of a statute which appears at first glance to be similar to Neb.Rev.Stat. § 1-160 (Reissue 1977). In Comprehensive etc. v. Maryland State Board, 397 A.2d 1019, the Maryland Court held that the State had a right to regulate the practice of public accountancy and in so doing could restrict the use of the words "Certified Public Accountant," "Public Accountant," or abbreviation "CPA" to those certified or registered by the State. However, that Court further held that "To prevent the possibility of public confusion and deception, the Legislature cannot consistent with the First Amendment choose the most drastic remedy - the complete suppression of the use of certain words to describe the lawful activity of non-certified accountants." Id. at 1027. It therefore held the statute unconstitutional as violating the First Amendment.

Unlike the regulatory approach taken by the State of Maryland in Comprehensive etc. v. Maryland State Board, supra, the Unicameral has chosen to not totally ban the use of the terms "Accountant and Auditor" by those not so licensed but instead has required that unlicensed persons using those terms make an affirmative disclosure that they do not hold a permit pursuant to Neb.Rev.Stat. § 1-136 (Reissue 1977).

We believe that it could be effectively argued that the unrestricted use of the titles "Accountant" or "Auditor" by an unlicensed person could in fact cause confusion which would be detrimental to the public and therefore the State regulation of those terms is rationally related to a legitimate state interest. Since the "speech" at issue here is "commercial" it is subject to "reasonable regulation that serves a legitimate public interest." Bigelow v. Virginia, 421 U.S. 809 at 825-26.

It is our opinion that should Neb.Rev.Stat. § 1-160 (Reissue 1977) be challenged on Fourteenth Amendment due process grounds or First Amendment free speech grounds, it would probably be found to be constitutional.

Very truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Jerold V. Fennell
Assistant Attorney General

JVF:ekj
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 1
January 5, 1981

Dear Senator Higgins:

This is in reply to your letter of December 26, 1980, in which you state that you anticipate introducing a bill to make it illegal for county governments to make donations to private corporations, etc. You inquire if there are any laws already on the books which would make such legislation redundant.

So far as we know there is no specific legislation which would cover the problem indicated. The Nebraska Constitution does have certain limitations but questions still arise as to their applicability.

For example, Article XIII, Section 3, of the Nebraska Constitution provides in part, "The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, ..."

There is still a question of interpretation whether or not any particular expenditure is for a public purpose and therefore authorized to be expended by the county, city or governmental subdivision involved. In the case of United Community Services vs. The Omaha National Bank and The Omaha Public Power District, 162 Neb. 786, the pledge of a donation by the power district to the

United Community Services was involved inasmuch as the power district was a governmental subdivision. The Supreme Court of Nebraska first stated that whether or not the purposes of the United Community Services were for such a public purpose that a governmental subdivision should be permitted to contribute to them was a matter for the Legislature; that in the absence of express statutory authority the public power district would not have the authority to make such contributions. However, the Legislature had passed a broad statute authorizing any governmental subdivision which was engaged in a business in a proprietary capacity such as production of light, power, etc. to contribute funds for charitable purposes.

The Supreme Court stated that such statute did not violate the above provision of the Nebraska Constitution but that it did violate the provision contained in Article III, Section 18, prohibiting the passage of any local or special laws because the application of the statutes were limited to the type of public corporations operating in a proprietary capacity in a city of the metropolitan class only and did not apply to such corporations operating in smaller areas.

Of course we do not know the nature or extent of the legislation you intend to propose, but in light of the foregoing history, it does not appear that such would be redundant.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

COMMUNICATION

Received copy of Senate Concurrent Resolution from State of California regarding federal expenditure augmentation of funds allocated pursuant to Title XX (42 U.S.C.A. 1397).

REPORTS

Reports from the Department of Correctional Services pursuant to the provisions of LB 596 (1979 Legislature).

1. Section 18, Subsection 2 requiring a report on the potential for offender work and/or training in the Central Utilities Plant at the Nebraska State Penitentiary.

2. Section 18, Subsection (2) requiring a report on the Correctional Improvement Program.

A response from the State Department of Personnel pursuant to section 31, LB 596 (1979 Legislature) on "sex-dominated" classes in state government.

Reports from the Board of Trustees of Nebraska State Colleges pursuant to LB 1004, Section 17 (1980) Legislature on:

1. all cooperative programs
2. details on the transfer of instructional improvement funds to the state colleges
3. information on all programs that have been or are scheduled to be eliminated
4. details on a cooperative graduate program in business administration between the University of Nebraska and Kearney State College
5. list of all non-degree recreational and avocational courses offered between July 1, 1979 and June 30, 1980.

Reports from the University of Nebraska pursuant to LB 1004 (1980 Legislature) on the following:

1. Programs that have been or are scheduled to be eliminated;
2. Graduate Program in Business Administration between the University of Nebraska and Kearney State College;
3. Cooperative programs initiated between the University, state colleges, and technical community colleges;
4. A listing of all non-degree recreational and avocational courses offered;
5. Status report of Managerial-Professional Employee Classification Study.

Report from the Nebraska Natural Resources Commission on the Plan of Work for the Nebraska State Water Planning and Review Process as required by LB 1004 (1980 Legislature).

Report from the Board of Parole pursuant to LB 1004, Section 6 regarding accreditation from the Commission on Accreditation for Corrections.

Communication from the Western Technical Community College Association on LB 1004 (1980 Legislature).

Communication from the Nebraska Coordinating Commission for Postsecondary Education regarding a space utilization study pursuant to Section 15, LB 1004 (1980 Legislature).

Final report of the seven evaluation teams of the Correctional Improvement Program submitted pursuant to Section 14, LB 1004 (1980 Legislature).

Report on the Youth Development Center in Geneva in response to LB 1004 Section 14 (1)(A) (1980 Legislature) regarding ramifications of declining populations.

Letter from the Nebraska Power Review Board pursuant to LB 1004, 1980.

Report from Department of Public Institutions in regard to LB 1002 Section 12 on Division on Alcoholism and Drug Abuse.

Report from Nebraska Energy Office regarding Legislative Resolution 309 (1980 Legislature).

Reports from the State Building Division in compliance with section 81-1108.41 on Requests for Construction Contract Approval for the following:
Nebraska Information Center, Junction Interstate 801 U.S. 73-75, Omaha;
State Lab Expansion;
State Lab Facility, Program #918;
Nebraska State Capitol - Emergency Communication and Detection System Program 900;
Nebraska Center for Women at York;
Facility Improvements for the Nebraska Rehabilitation Services for the Visually Impaired;
Minimum-Medium Security Facility-Omaha and Program Services;
State Capitol Building - Legislative Space, Phase II;
Youth Complex at the State Fairgrounds;
Youth Complex at the State Fairgrounds, Phase I;
Vocational Training Building/Laundry for the Lincoln Correction Center, Lincoln;
Development of a Master Plan for the new Niobrara State Park.

Reports from Department of Roads in compliance with Section 5(4) of LB 722 reflecting data as provided in the Revenue by Source Within Fund Report.

Quarterly reports for the Nebraska State Highway Commission from Department of Roads.

Annual report from the Office of the State Athletic Commissioner in accordance with sections 81-8,128 through 81-8,142.

Biennial report of the Nebraska Department of Economic Development.

Annual report from Department of Public Institutions on applicants for admission not accepted at time of application in accordance with section 83-109.

Annual report from Nebraska Natural Resources Commission in accordance with section 2-3265.

Semi-annual report from Department of Environmental Control showing the financial status of the Construction Grants Program in accordance with section 81-1533.

Reports from Nebraska Coordinating Commission for Postsecondary Education.

Annual report from Crime Victim's Reparation Board.

Report from Nebraska Department of Roads for fiscal years 1981-1986 Highway Program.

Annual report from Nebraska Department of Public Welfare.

1980 State Salary Survey Report from the Department of Personnel.

Report from the State Court Administrator on their structure and operation of the courts of Nebraska.

Quarterly report from the Nebraska Energy Office in accordance with section 57 of LB 954, 1980.

Annual report from Nebraska Workmen's Compensation Court in accordance with the provisions and requirements of section 48-166, 1955.

Report of Examination of State of Nebraska Auditor of Public Accounts in accordance with section 81-106.

Annual report from Department of Administrative Services, Division of Communications, in accordance with the provisions of section 81-1120.15(6).

Biennial report from the Nebraska Power Review Board.

Annual report from the Department of Aeronautics.

Annual report from the Department of Public Institutions in accordance with section 83-110.

Biennial and statistical report from Department of Roads and Nebraska State Patrol.

Annual report from the Board of Jail Standards pursuant to section 83-907, R.R.S. 1945.

1979 State Comprehensive Outdoor Recreation Plan from the Nebraska Game and Parks Commission.

Report of the Performance Review and Audit Committee on the Department of Health Bureau of Examining Boards and the Boards of Examiners in Medicine and Surgery, Optometry Osteopathy, and Podiatry pursuant to sections 81-192 to 81-1,105.

Annual report from the Department of Correctional Services.

Communications Advisory Board report submitted pursuant to 81-1120.18 R.R.S. of Neb. 1943.

Report of the Performance Review and Audit Committee on the Department of Administrative Services pursuant to sections 81-192 to 81-1,105.

Annual report from the Military Department, Office of the Adjutant General.

Received letter from Department of Health pursuant to section 72-5831, R.S. Supp. 1980 in regard to Nebraska Health Care Certificate of Need Act.

Received proposed lease renewals for the following:
Department of Labor - Division of Employment
Department of Labor - CETA
Leases for area offices in: McCook, Hastings, and Lexington
Department of Education
Commission for the Hearing Impaired
Department of Economic Development - Nebraska Indian Commission

Nebraska State Board of Public Accountancy
Economic Development
Department of Correctional Services
Department of Revenue
Department of Roads
Department of Labor - Governor's Special Grants
Aeronautics
Department of Public Welfare - Nebraska Center for Children and Youth
Nebraska State Patrol
Department of Labor - WIN
Department of Welfare - WIN
Department of Institutions - Visually Impaired

Report from Department of Roads pursuant to section 39-1392 R.R.S. 1943 regarding a one to five year construction and improvement plan.

Report from Department of Education relating to LB 663 in regard to Displaced Homemaker Programs.

Report from Nebraska Liquor Control Commission pursuant to section 53-124.03.

Semi-annual report from Department of Environmental Control pursuant to section 81-1533, R.R.S. 1943 in regard to Construction Grants.

Letter from Natural Resource Commission pursuant to section 2-3262, R.R.S. 1943 regarding amount paid to Merritt Public Relations and Advertising firm.

NATURAL RESOURCE DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1980 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT		FEE
Central Platte		
James I. Shamberg	Attorney	2,202.34
Cook & Kopf, P.C.	Attorneys	1,157.70
Lewis & Clark		
Craig Monson	Attorney	129.00
Little Blue NRD		

(portion of legal fees on law suit) (Little Blue Project)		10,500.00
Lower Big Blue		
Everson, Noble, Wullschleger, Sutter & Sharp	Attorneys	10,573.46
Lower Elkhorn		
Jewell, Otte, Gatz, Collins, Domina	Attorneys	8,764.99
Lower Niobrara		
	Lobbyists	578.75 Approximation
	Public Relations	578.75 Approximation
Lower Platte South	Attorney	21,915.54
Lower Republican		
McKelvie & McNally	Attorneys	15.00
Middle Missouri Tribs		
Golby C. Uhlir & Wm. Horneber		
Uhlir & Horneber Law Office	Attorneys	7,630.33
Patrick Rensch	Attorney	1,250.00
Middle Niobrara		
Coupland Law Office	Attorneys	86.90
Middle Republican		None
North Platte		
Bulger & Jensen	Attorneys	871.18
Holtorf, Kovarik, Nuttleman & Ellison, P.C.	Attorneys	976.82
Papio		
Taylor, Hornstein & Peters	Attorneys	30,087.79
Baird, Holm, McEachen, Pedersen, Hamann & Haggart	Attorneys	852.91
South Platte		
Van Steenberg, Myers & Burke	Attorneys	3,848.93
Tri-Basin		
Anderson, Storms, Strasburger & Klein	Attorneys	40.73
Twin Platte		
Jess C. Nielsen	Attorney	6,788.37
Upper Elkhorn		None
Upper Loup		None
Upper Niobrara-White		None

Upper Republican		
Mr. Crosby	Attorney	413.00
Mr. Wall	Attorney	375.00
Mr. Savage	Attorney	9,197.29

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1. By Lamb, 43rd District; Lewis, 45th District.
This bill introduced on behalf of: Legislative Council.

A BILL FOR AN ACT to amend sections 38-1001 and 38-1007, Revised Statutes Supplement, 1969, and section 38-1004, Revised Statutes Supplement, 1969, as amended by section 1, Legislative Bill 200, Eighty-sixth Legislature, First Session, 1979, relating to the Nebraska Uniform Gifts to Minors Act; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 2. By Lamb, 43rd District; Lewis, 45th District.
This bill introduced on behalf of: Legislative Council.

A BILL FOR AN ACT to amend sections 81-1612, 81-1614, 81-1617, and 81-1618, Revised Statutes Supplement, 1980, relating to the State Energy Office; to correct internal references; and to repeal the original sections.

LEGISLATIVE BILL 3. By Goodrich, 20th District.
This bill introduced on behalf of: State of Nebraska.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1980, relating to sales and use tax; to provide an exemption for certain equipment; and to repeal the original section.

LEGISLATIVE BILL 4. By Beutler, 28th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 84-1001, Reissue Revised Statutes of Nebraska, 1943, relating to state employees; to define paid holidays; and to repeal the original section.

LEGISLATIVE BILL 5. By Beutler, 28th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 14, of the Constitution of Nebraska, relating to the Legislature; to require reading of bills at large before final passage only if requested by a member of the Legislature; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 6. By Cope, 36th District.
This bill introduced on behalf of: Lancaster County Board.

A BILL FOR AN ACT to amend section 77-3424, Revised Statutes Supplement, 1980, relating to revenue and taxation; to provide an exception to budgetary limitations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 7. By Cullan, 49th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend section 39-669.26, Reissue Revised Statutes of Nebraska, 1943, relating to traffic violations; to change the assessment of points for certain convictions; and to repeal the original section.

LEGISLATIVE BILL 8. By Cullan, 49th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT relating to water; to require the registration of riparian claims; to provide definitions; to allow the sale or lease of certain water rights; to provide duties; to establish a fee; to amend section 33-105, Revised Statutes Supplement, 1980; and to repeal the original section.

LEGISLATIVE BILL 9. By Maresh, 32nd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to trusts; to prohibit the acquiring of additional agricultural land by certain trusts; to provide duties; and to provide a penalty.

LEGISLATIVE BILL 10. By Maresh, 32nd District.
This bill introduced on behalf of: Crete Mayor.

A BILL FOR AN ACT relating to the militia; to provide procedures for reimbursement of certain political subdivisions for employees taking leaves of absence as National Guard members; and to provide duties for the Military Department.

LEGISLATIVE BILL 11. By Maresh, 32nd District.
This bill introduced on behalf of: Nebraska Grain Sorghum Association.

A BILL FOR AN ACT to adopt the Grain Sorghum Resources Act; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 12. By Maresh, 32nd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1980, relating to revenue and taxation; to increase the food sales tax credit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 13. By Kremer, 34th District.
This bill introduced on behalf of: Class 6 Schools.

A BILL FOR AN ACT to amend section 79-801, Revised Statutes Supplement, 1980, relating to schools; to provide procedures for inclusion of certain annexed territory within a Class III school district as prescribed; and to repeal the original section.

LEGISLATIVE BILL 14. By Clark, 47th District; Hefner, 19th District; Rumery 42nd District.
This bill introduced on behalf of: Intergovernmental Cooperation.

A BILL FOR AN ACT relating to certain public construction projects; to amend section 39-1307, Reissue Revised Statutes of Nebraska, 1943; to authorize the Department of Roads to construct or maintain certain streets or roads as prescribed; and to repeal the original section.

LEGISLATIVE BILL 15. By Clark, 47th District; Hefner, 19th District; Rumery, 42nd District.
This bill introduced on behalf of: Intergovernmental Cooperation.

A BILL FOR AN ACT relating to schools; to authorize payments to certain school districts by certain entities constructing and owning electric generating facilities; to state intent; to repeal section 79-1370, Revised Statutes Supplement, 1980; and to declare an emergency.

LEGISLATIVE BILL 16. By Wiitala, 31st District.
This bill introduced on behalf of: Millard School District.

A BILL FOR AN ACT to amend section 79-102, Reissue Revised Statutes of Nebraska, 1943, and section 79-801, Revised Statutes Supplement, 1980, relating to schools; to change provisions relating to classification of school districts; and to repeal the original sections.

LEGISLATIVE BILL 17. By Koch, 12th District; Carsten, 2nd District.
This bill introduced on behalf of: Political Subdivisions.

A BILL FOR AN ACT to amend sections 77-3402, 77-3404, 77-3405, 77-3406, 77-3409, and 77-3410, Revised Statutes Supplement, 1980, relating to the Local Option Tax Control Act; to change petition requirements; to change the period of time a budget limitation is applicable; to harmonize provisions; to delete provisions for submission to the voters by resolution; to repeal the original sections, and also section 77-3403, Revised Statutes Supplement, 1980; and to declare an emergency.

LEGISLATIVE BILL 18. By Vickers, 38th District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT to establish a day in recognition of George W. Norris; and to urge observation of such day.

SELECT COMMITTEE REPORTS
Committee on Committees

Agriculture and Environment - Schmit, Chairperson

Burrows
Maresh
Nichol
R. Peterson
Remmers
Wagner
Wiitala

Appropriations - Warner, Chairperson

Cope
Dworak
Fowler
Goodrich
L. Johnson
Marsh
Rumery
Stoney

Banking, Commerce & Insurance - DeCamp, Chairperson

Clark
Fitzgerald
Haberman
Labedz
Landis
Remmers
Schmit

Business & Labor - Maresh, Chairperson

Barrett
Fitzgerald
Goll
Labedz
Vickers
Wiitala

Constitutional Revision & Recreation - Labedz, Chairperson

Carsten
Higgins
H. Peterson
Pirsch
Sieck
Vickers

Education - Koch, Chairperson

Beutler
Goll
Hoagland
Kremer
Lamb
Vickers
Wiitala

Government, Military & Veterans Affairs - Kahle, Chairperson

Chambers
Chronister
Goll
Haberman
V. Johnson
Kilgarin
Landis

Judiciary - Nichol, Chairperson

Beyer
Chambers
Chronister
Kilgarin
Pirsch
Sieck
Von Minden

Miscellaneous Subjects - Hefner, Chairperson

Barrett
Beyer
Cullan
Fenger
Fitzgerald
Newell
Von Minden

Public Health and Welfare - Cullan, Chairperson

Barrett
Fenger
Higgins
Maresh
R. Peterson
Wesely

Public Works - Kremer, Chairperson

Beutler
Clark
DeCamp
Hoagland
Koch
Lamb
Wesely

Revenue - Carsten, Chairperson

Burrows
Hefner
V. Johnson
Kahle
Newell
H. Peterson
Wagner

Urban Affairs - Landis, Chairperson

Cullan
Fenger
Haberman
Higgins
R. Peterson
Remmers
Schmit

Administrative Rules & Regulations Review
V. Johnson, Chairperson

Barrett
DeCamp
Fowler
Haberman
Koch
R. Peterson

Rules - Wesely, Chairperson

Beutler
Kahle
Newell
Sieck

Intergovernmental Cooperation - Clark, Chairperson

DeCamp
Haberman
Marsh
Wiitala

(Signed) Shirley Marsh, Chairperson

Mrs. Marsh moved the adoption of the Committee on Committees report.

The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 19. By Labedz, 5th District.
This bill introduced on behalf of: Homestead Senior Citizens.

A BILL FOR AN ACT to amend sections 77-3510, 77-3511, and 77-3514, Revised Statutes Supplement, 1980, relating to homestead exemption; to provide for application forms; to change notice requirements; to disallow exemptions as prescribed; to provide for transfer of homestead exemption; and to repeal the original sections.

ANNOUNCEMENT

Mrs. Marsh announced the Committee on Committees elected John DeCamp as Vice Chairperson.

EASE

The Legislature was at ease from 10:03 a.m. until 10:37 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 20. By Lamb, 43rd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 48-115, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to change provisions relating to a waiver of coverage and termination of waiver; and to repeal the original section.

LEGISLATIVE BILL 21. By Lamb, 43rd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 23-1206.01, Reissue Revised Statutes of Nebraska, 1943, relating to county government and officers; to permit certain counties to employ a full-time county attorney; and to repeal the original section.

LEGISLATIVE BILL 22. By Landis, 46th District.
This bill introduced on behalf of: the potential survivors.

A BILL FOR AN ACT relating to motorcycles; to amend sections 60-336, 60-403.01, and 60-409.02, Reissue Revised Statutes of Nebraska, 1943, and section 39-2215, Revised Statutes Supplement, 1980; to define terms; to provide a motorcycle safety education course; to provide duties; to create a fund; to provide reimbursement for certain instructors as prescribed; to change distribution of certain funds; to change a fee; to change licensing examination provisions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 23. By Landis, 46th District.
This bill introduced on behalf of: young people.

A BILL FOR AN ACT relating to professional counseling; to state intent; to authorize minors to consent to counseling; to provide for confidentiality of records; and to provide a penalty.

LEGISLATIVE BILL 24. By Haberman, 44th District.
This bill introduced on behalf of: NRD's.

A BILL FOR AN ACT to amend section 39-703, Reissue Revised Statutes of Nebraska, 1943, relating to highways, bridges, and ferries; to change a penalty relating to obstruction of roads; and to repeal the original section.

LEGISLATIVE BILL 25. By Haberman, 44th District.
This bill introduced on behalf of: all taxpayers.

A BILL FOR AN ACT to amend sections 66-410, 66-410.04, 66-411, 66-428, 66-452, 66-477, 66-478, 66-605, 66-605.03, and 66-620, Revised Statutes Supplement, 1980, relating to taxes on motor vehicle fuels; to repeal a special excise tax on motor vehicle fuels; to provide an operative date; and to repeal the original sections, and also sections 66-473, 66-474, 66-475, 66-476, and 66-605.02, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 26. By Marsh, 29th District.
This bill introduced on behalf of: Lancaster County.

A BILL FOR AN ACT to amend section 23-122, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to change provisions requiring publication; and to repeal the original section.

LEGISLATIVE BILL 27. By Marsh, 29th District.
This bill introduced on behalf of: students in Nebraska.

A BILL FOR AN ACT to adopt an official state mammal.

LEGISLATIVE BILL 28. By Barrett, 39th District.
This bill introduced on behalf of: the people of Nebraska.

A BILL FOR AN ACT to amend section 76-214, Reissue Revised Statutes of Nebraska, 1943, relating to conveyances; to eliminate the requirement of the recital of consideration; and to repeal the original section.

LEGISLATIVE BILL 29. By Beutler, 28th District; Fitzgerald, 14th District.
This bill introduced on behalf of: the workers of Nebraska.

A BILL FOR AN ACT to amend section 25-224, Reissue Revised Statutes of Nebraska, 1943, relating to limitation of actions; to change the statute of limitations for prescribed product liability actions; and to repeal the original section.

LEGISLATIVE BILL 30. By Koch, 12th District.
This bill introduced on behalf of: S.I.D. #95.

A BILL FOR AN ACT to amend section 31-740, Revised Statutes Supplement, 1980, relating to sanitary and improvement districts; to provide for an exception to certain public hearing and notice requirements; to repeal the original section; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 1.

Introduced by Landis, 46th District; Chambers, 11th District.

WHEREAS, January 15 is the birthdate of the Reverend Martin Luther King, Jr.; and

WHEREAS, the Reverend Martin Luther King, Jr. has been recognized by all people of the world as having made great contributions toward the promotion of equality of man and the furtherance of peace; and

WHEREAS, the Reverend Martin Luther King, Jr. dedicated his life to working toward equality for people; and

WHEREAS, the Reverend Martin Luther King, Jr., at all personal costs, was determined to eliminate social injustices by means of nonviolent protests and peaceful demonstrations; and

WHEREAS, pursuant to his dedication to this cause the Reverend Martin Luther King, Jr. was awarded the Nobel Peace Prize; and

WHEREAS, the Reverend Martin Luther King, Jr. through his lobbying efforts, was instrumental in the passage of both the 1964 Civil Rights Act and the 1965 Voting Rights Act; and

WHEREAS, the Reverend Martin Luther King, Jr.'s courageous life and his commitment to racial and social equality is a humbling example for all people of the greatness of the human spirit.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature hereby recognizes and commends the contributions made by the Reverend Martin Luther King, Jr. to this nation and to the world.
2. That the Legislature pays tribute to the memory of the Reverend Martin Luther King, Jr. on the anniversary of his birth by recognizing the observance of January 15, 1981 as Martin Luther King, Jr. Day.
3. That the Legislature urges citizens of this state to observe Martin Luther King, Jr. Day on January 15, 1981, pursuant to the Governor's proclamation.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 31. By Vickers, 38th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 16-667.01, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to change procedures for the formation of districts; and to repeal the original section.

LEGISLATIVE BILL 32. By Vickers, 38th District.
This bill introduced on behalf of: People of the State.

A BILL FOR AN ACT relating to motor vehicles; to prohibit the possession or operation of certain devices in motor vehicles; to define terms; and to provide a penalty.

LEGISLATIVE BILL 33. By Vickers, 38th District.
This bill introduced on behalf of: State of Nebraska.

A BILL FOR AN ACT to amend section 17-503, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the second class and villages; to prescribe a method of conveying public property; to change publication requirements; to delete provisions for ratification of sales; and to repeal the original section.

LEGISLATIVE BILL 34. By Vickers, 38th District.
This bill introduced on behalf of: Ratepayers of the State of Nebraska.

A BILL FOR AN ACT relating to public power districts; to amend sections 70-620, 70-637, 70-639, and 70-643, Reissue Revised Statutes of Nebraska, 1943; to authorize certain leases as prescribed; to restrict the appointment of a treasurer as prescribed; to provide for rules and regulations; to provide additional considerations for the letting of certain contracts; to place restrictions on certain payments or expenditures as prescribed; to require certain contracts be filed as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 35. By Vickers, 38th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to repeal sections 60-1701.01 to 60-1707, Reissue Revised Statutes of Nebraska, 1943, and section 60-1701, Revised Statutes Supplement, 1980, relating to motor vehicles; to eliminate requirements for motor vehicle inspections.

LEGISLATIVE BILL 36. By Agriculture and Environment Committee: Schmit, 23rd District, Chairperson; Nichol, 48th District; Maresh, 32nd District; Wagner, 41st District; Burrows, 30th District.

A BILL FOR AN ACT to adopt the Pseudorabies Control Act; to provide penalties; and to declare an emergency.

VISITORS

Visitor to the Chamber was Mr. Bill Snell from Sidney, Nebraska.

RECESS

At 10:56 a.m., on a motion by Speaker Marvel, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:45 p.m., President Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins and Messrs. Beutler, V. Johnson, and Von Minden who were excused; and Messrs. Cullan, Hoagland, Newell, Schmit, and Wiitala who were excused until they arrive.

ANNOUNCEMENTS

Mr. Maresh announced the Business and Labor Committee elected Mr. Fitzgerald as Vice Chairperson.

Speaker Marvel announced there will be a Chairperson's Caucus, Monday, January 12, 1981, at 9 a.m., Room 1520.

UNANIMOUS CONSENT - Members Excused

Messrs. Hoagland and Von Minden asked unanimous consent to be excused Friday, January 9, 1981. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 37. By Newell, 13th District; Wiitala, 31st District.
This bill introduced on behalf of: citizens residing in S.I.D.'s.

A BILL FOR AN ACT to amend section 31-735, Reissue Revised Statutes of Nebraska, 1943, relating to sanitary and improvement districts; to change election procedures as prescribed; and to repeal the original section.

LEGISLATIVE BILL 38. By Kahle, 37th District.
This bill introduced on behalf of: community action.

A BILL FOR AN ACT relating to food; to provide an exception to civil liability for certain donations.

LEGISLATIVE BILL 39. By Kahle, 37th District.

This bill introduced on behalf of: county officials.

A BILL FOR AN ACT to amend section 68-1022, Revised Statutes Supplement, 1980, relating to medical assistance; to change the amount paid by the county; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 40. By DeCamp, 40th District.
This bill introduced on behalf of: Nebraskans.

A BILL FOR AN ACT to amend section 77-27,142, Revised Statutes Supplement, 1980, relating to revenue and taxation; to eliminate the automatic expiration of certain taxes; to delete a reporting requirement; and to repeal the original section.

LEGISLATIVE BILL 41. By Higgins, 9th District.
This bill introduced on behalf of: Douglas County.

A BILL FOR AN ACT to amend sections 23-347 and 23-348.01, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to change the time for filing certain inventory statements by county boards and officials; and to repeal the original sections.

LEGISLATIVE BILL 42. By Judiciary Committee: Nichol, 48th District, Chairperson; Chambers, 11th District; Chronister, 18th District; Von Minden, 17th District; Beyer, 3rd District; Pirsch, 10th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to court procedures; to change provisions for appeal from county and municipal courts; to amend sections 24-582, 24-583, 25-534, 30-1601, 30-2436, 30-2486, 30-2488, 43-112, 43-202.03, 71-3605, and 77-2023, Reissue Revised Statutes of Nebraska, 1943, and sections 24-525, 24-527, and 45-103, Revised Statutes Supplement, 1980; to provide appeal procedures; to provide duties; to provide for preservation of testimony; to provide for review; to provide for the payment of costs in certain cases; to harmonize provisions; to provide for transfer from certain courts as prescribed; to change service by mail provisions; to change procedures under the Nebraska Probate Code; to provide for allowance of interest on judgments as prescribed; to repeal the original sections, and also sections 24-541 to 24-550 and 30-1601 to 30-1610, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 43. By Judiciary Committee: Nichol, 48th District, Chairperson; Chambers, 11th District; Chronister, 18th District; Beyer, 3rd District; Pirsch, 10th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 21-2001, 21-2002, 21-2004, 21-2022, 21-2023, 21-2035, 21-2042, 21-2046, 21-2062, 21-2065, 21-2072, 21-2073, 21-2075, 21-2076, 21-2079, 21-2080, and 21-20,105, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Business Corporation Act; to redefine terms; to change provisions relating to the powers of a corporation; to change certain powers, duties, and liabilities of the board of directors; to change provisions relating to articles of incorporation; to provide for certain rights of the stockholders; and to repeal the original sections.

LEGISLATIVE BILL 44. By Law Enforcement & Justice Advisory Committee: Nichol, 48th District, Chairperson; Chronister, 18th District; Chambers, 11th District; Beyer, 3rd District; Pirsch, 10th District; Von Minden, 17th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 69-208, Revised Statutes Supplement, 1980, relating to pawnbrokers; to provide a penalty for certain violations; and to repeal the original section.

LEGISLATIVE BILL 45. By Law Enforcement and Justice Advisory Committee: Nichol, 48th District, Chairperson; Chambers, 11th District; Chronister, 18th District; Beyer, 3rd District; Von Minden, 17th District; Kilgarin, 7th District; Pirsch, 10th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 81-1429, Reissue Revised Statutes of Nebraska, 1943, relating to the Law Enforcement Improvement Fund; to change disposition of fees collected as prescribed; and to repeal the original section.

LEGISLATIVE BILL 46. By Rumery, 42nd District.
This bill introduced on behalf of: Kenneth Niedan.

A BILL FOR AN ACT to amend sections 60-406.04 and 60-415, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to change provisions relating to lost and temporary operator's licenses; and to repeal the original sections.

LEGISLATIVE BILL 47. By Rumery, 42nd District.
This bill introduced on behalf of: Charles W. Baskins.

A BILL FOR AN ACT to amend sections 60-2401 and 60-2402, Revised Statutes Supplement, 1980, relating to motor vehicles; to change provisions relating to restricted parking lots; and to repeal the original sections.

LEGISLATIVE BILL 48. By Fowler, 27th District; Newell, 13th District; Wiitala, 31st District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT to amend sections 77-2704, 77-2715, and 77-2715.01, Revised Statutes Supplement, 1980, relating to sales and income tax; to provide an exemption for food sales; to delete the food sales tax credit; to provide for appropriations to aid incorporated municipalities; to provide operative dates; and to repeal the original sections.

MESSAGE FROM THE SECRETARY OF STATE

January 8, 1981

Speaker of the Legislature
Eighty-Seventh Legislature, Regular (First Session)
State Capitol Lincoln, NE 68509

Honorable Speaker:

I am submitting to you a certificate stating that the bonds and oaths for the following elected officials, for the terms beginning the 8th day of January, 1981, and ending as prescribed by law are on file in the office of the Secretary of State.

Public Service Commissioner, District Four (Fourth) Eric Rasmussen
Public Service Commissioner, District Five (Fifth) Jack Romans

The certificate further states that the required Oaths are on file in the office of the Secretary of State for:

Public Service Commissioner, District Four (Fourth) Eric Rasmussen
Public Service Commissioner, District Four (Fifth) Jack Romans

For Judge of the Nebraska Workmen's Compensation Court, James Monen (Term began Jan. 1, 1981)

Regent - University of Nebraska, District Six (Sixth) Robert G. Simmons, Jr.

Regent - University of Nebraska, District Seven (Seventh) John W. Payne

Member - State Board of Education, District One (First) Frank E. Landis

Member - State Board of Education, District Two (Second) James H. Monahan

Member - State Board of Education, District Three (Third) Walter M. Thompson

Member - State Board of Education, District Four (Fourth) Helen Greene

For Judge of the Nebraska Supreme Court District Three (Third) Lawrence M. Clinton

For Judge of the Nebraska Supreme Court District Four (Fourth) Hale McCown

For Judge of the Nebraska supreme court District Six (Sixth) C. Thomas White

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

STATE OF NEBRASKA
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that

Public Service Commissioner
District Four (Fourth) Eric Rasmussen
Public Service Commissioner
District Five (Fifth) Jack Romans

have filed their bonds and oaths with the Secretary of State as required by law. I further certify that the required oaths have been filed in the office of Secretary of State as required by law.

I further certify that the required oaths have been filed in the office of Secretary of State by Eric Rasmussen, Jack Romans, Public Service Commissioners; James Monen, Judge of the Nebraska Workmen's Compensation Court; Robert G. Simmons, Jr., John W. Payne, Regents of the University of Nebraska; Frank E. Landis, James H.

Monahan, Walter M. Thompson, Helen Greene, Members of the State Board of Education; Lawrence M. Clinton, Hale McCown, C. Thomas White, Judges of the Nebraska Supreme Court.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this eighth day of January in the year of our Lord, one thousand nine hundred and eighty-one.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

ANNOUNCEMENT

Mr. Koch announced the Education Committee elected Mr. Vickers as Vice Chairperson.

EASE

The Legislature was at ease from 1:54 p.m. until 2:00 p.m.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee elected Mr. Rumery as Vice Chairperson.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 49. By Rumery, 42nd District.
This bill introduced on behalf of: Dr. Bernie D. Taylor.

A BILL FOR AN ACT to amend section 37-101, Reissue Revised Statutes of Nebraska, 1943, relating to game and parks; to change a definition; to provide a penalty; and to repeal the original section.

INAUGURAL CEREMONIES

MOTION - Escort Board of Education

Mr. Landis moved that a Committee of 4 be appointed to escort the members-elect of the Board of Education. The motion prevailed.

The Chair appointed Messrs. Landis, Koch, Goll, and Warner to escort members-elect Mrs. Greene, Messrs. Landis, Monahan, and Thompson of the Board of Education.

MOTION - Escort Board of Regents

Mr. Cope moved that a Committee of 4 be appointed to escort the members-elect of the Board of Regents. The motion prevailed.

The Chair appointed Mrs. Pirsch, Messrs. Cope, Chronister, and Kahle to escort member-elect Mr. Payne of the Board of Regents.

MOTION - Escort Public Service Commission

Mr. Maresh moved that a Committee of 3 be appointed to escort the member-elect of the Public Service Commission. The motion prevailed.

The Chair appointed Mrs. Labedz, Messrs. Maresh and Wagner to escort the member-elect Mr. Romans of the Public Service Commission.

MOTION - Escort Workmen's Compensation Judge-elect

Mr. Stoney moved that a Committee of 3 be appointed to escort the Workmen's Compensation Judge-elect. The motion prevailed.

The Chair appointed Messrs. Stoney, Vickers, and Hefner to escort the member-elect Mr. Monen of the Workmen's Compensation Judge-elect.

MOTION - Escort Supreme Court

Mr. Marvel moved that a Committee of 7 be appointed to escort the Chief Justice and Supreme Court Judges. The motion prevailed.

The Chair appointed Mrs. Marsh, Messrs. Fowler, Marvel, Burrows, Clark, Fitzgerald, and Dworak to escort the Chief Justice Krivosha and his associates, Justices Boslaugh, McCowan, Brodkey, White, and Hastings to the rostrum.

ANNOUNCEMENT

Mr. Carsten announced the Committee on Revenue elected Mr. Hefner as Vice Chairperson.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 50. By Landis, 46th District.
This bill introduced on behalf of: Lincoln City Council.

A BILL FOR AN ACT relating to transportation; to amend section 39-6,191, Reissue Revised Statutes of Nebraska, 1943; to provide certain exceptions for ridesharing arrangements; to provide definitions; and to repeal the original section.

LEGISLATIVE BILL 51. By Rumery, 42nd District.
This bill introduced on behalf of: Nebraska county officials.

A BILL FOR AN ACT to amend sections 39-2503 and 39-2504, Reissue Revised Statutes of Nebraska, 1943, relating to highways and bridges; to change provisions relating to distribution of funds to counties as prescribed; and to repeal the original sections.

ANNOUNCEMENT

Mrs. Labedz announced there will be an organizational meeting of the Constitutional Revision and Recreation Committee January 9, 1981 at 9:00 a.m. under the north balcony.

ADJOURNMENT

At 2:29 p.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:30 a.m., Friday, January 9, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 9, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 9, 1981

Pursuant to adjournment, the Legislature met at 9:32 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hoagland, V. Johnson, and Von Minden who were excused; and Miss Kilgarin, Messrs. Chambers, Beutler, and Newell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Second Day was approved.

MOTION - Adopt Rules

Speaker Marvel moved that the Rules in effect on the 60th Legislative Day of the 86th Legislature, 2nd Session, be adopted for today only, January 9, 1981.

The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

ANNOUNCEMENTS

Mr. Nichol announced the Judiciary Committee elected Ernest Chambers as Vice Chairperson.

Mr. Kremer announced the Public Works Committee elected Chris Beutler as Vice Chairperson.

Mr. Kahle announced the Government, Military and Veterans Affairs Committee elected Rex Haberman as Vice Chairperson.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 19, 1980 through January 6, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Arfmann, Bill, Lincoln - Nebraska Association of Public Employees
Glenn, Stephen V., Lincoln - Nebraska State Home Builders Association
Howard, David, Lincoln - Nebraska Association of Public Employees
Mehmken, Roy E., Lincoln - Nebraska Well Drillers Association
Noren & Burns
  Noren, Charles, Lincoln - Committee for Essential Mental Health Care
Wruck, George T., Omaha - Nebraska Collectors Association, Inc.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 1 through 36, inclusive, for the approval of the Nebraska State Legislature.

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

LB	**Committee**
1	General File
2	General File
3	Revenue
4	Government, Military and Veterans Affairs
5	Constitutional Revision and Recreation Committee
6	Revenue
7	Public Works
8	Public Works
9	Agriculture and Environment
10	Government, Military and Veterans Affairs
11	Agriculture and Environment
12	Revenue

13	Education
14	Public Works
15	Education
16	Education
17	Revenue
18	Government, Military and Veterans Affairs
19	Revenue
20	Business and Labor
21	Government, Military and Veterans Affairs
22	Public Works
23	Judiciary
24	Public Works
25	Revenue
26	Government, Military and Veterans Affairs
27	Miscellaneous Subjects
28	Judiciary
29	Judiciary
30	Public Works
31	Urban Affairs
32	Public Works
33	Urban Affairs
34	Public Works
35	Public Works
36	Agriculture and Environment

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1980 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT		FEE
Nemaha		
Steve Seglin	Attorney	22,479.10
Nester & Mecure	Attorneys	2,096.85
Joe Stehlik	Attorney	6,268.09
Finn & Finn	Attorneys	125.00

REPORTS

Received proposed lease renewals for Department of Welfare in Grand Island and Nebraska Library Commission in Lincoln.

ANNOUNCEMENTS

Mr. Hefner announced the Miscellaneous Subjects Committee elected Mr. Barrett as Vice Chairperson.

Mrs. Labedz announced the Constitutional Revision and Recreation Committee elected Mrs. Pirsch as Vice Chairperson.

Speaker Marvel announced there will be a Chairperson's Caucus, Monday, January 12, 1981, at 9 a.m., Room 1520.

REPORT OF EXECUTIVE BOARD

The Legislative Council Executive Board in its meeting of Thursday, January 8, 1981, adopted the following motion:

> "The Executive Board appoint Dr. Robert Palmer as the Chaplain Coordinator to work in conjunction with organized Nebraska Groups of Clergy to arrange for prayer at the beginning of each day of the Legislative Session.
> There is to be no compensation rendered for these articles."

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Koch asked unanimous consent to add his name to LB 40 as co-introducer. No objections. So ordered.

ANNOUNCEMENT

Mr. Cullan announced the Public Health and Welfare Committee elected Mr. Wesely as Vice Chairperson.

RESOLUTIONS

LEGISLATIVE RESOLUTION 1. Read. Considered.

LR 1 was adopted with 30 ayes, 1 nay, and 18 not voting.

LEGISLATIVE RESOLUTION 2.

Introduced by Goll, 16th District; DeCamp, 40th District.

WHEREAS, the brilliant and inspirational writings of John G. Neihardt which related the profound vision of Black Elk, a great cultural leader of the Indian people have transcended time and space and to become universally acclaimed classics of literature; and

WHEREAS, the dialogue between Neihardt and Black Elk has inspired countless numbers of people thereby further advancing the cause of humanitarianism and brotherhood of all men; and

WHEREAS, the State of Nebraska, the United States and the World, are richer spiritually because of the insights of John G. Neihardt and Black Elk.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That John G. Neihardt and Black Elk should be accorded the posthumous honor of having a commemorative postal stamp issued by the United States Postal Service dedicated to their memory.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 52. By Rumery, 42nd District.
This bill introduced on behalf of: Lepp and Osterloh.

A BILL FOR AN ACT to amend section 39-6,177, Revised Statutes Supplement, 1980, relating to rules of the road; to provide for issuance of permits for certain oversized vehicles; to change provisions relating to certain vehicles; and to repeal the original section.

LEGISLATIVE BILL 53. By Sieck, 24th District.
This bill introduced on behalf of: Nebraska County Attorney Association.

A BILL FOR AN ACT to amend section 29-2206, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide for restitution to crime victims as prescribed; and to repeal the original section.

LEGISLATIVE BILL 54. By DeCamp, 40th District.
This bill introduced on behalf of: all honest and good people.

A BILL FOR AN ACT relating to rules of the road; to prohibit a cause of action for certain guest passengers; to provide exceptions; and to repeal section 39-6,191, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 55. By Cullan, 49th District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT to amend section 42-108, Reissue Revised Statutes of Nebraska, 1943, relating to marriage; to authorize retired judges to perform ceremonies; and to repeal the original section.

LEGISLATIVE BILL 56. By Cullan, 49th District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT relating to ground water; to adopt the Industrial Ground Water Regulatory Act.

LEGISLATIVE BILL 57. By Dworak, 22nd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 44-2630 and 44-2631, Revised Statutes Supplement, 1980, relating to insurance; to change provisions pertaining to insurance consultants; and to repeal the original sections.

LEGISLATIVE BILL 58. By Sieck, 24th District.
This bill introduced on behalf of: Wachisca Audubon Society of Lincoln.

A BILL FOR AN ACT relating to certain city airport authorities; to permit such authorities to sell certain real property as prescribed.

LEGISLATIVE BILL 59. By Carsten, 2nd District.
This bill introduced on behalf of: County Officials Association.

A BILL FOR AN ACT relating to revenue and taxation; to define terms; to provide for mineral interests to be filed with the county assessor; and to provide for severability.

LEGISLATIVE BILL 60. By Johnson, 15th District; H. Peterson, 35th District.
This bill introduced on behalf of: Nebraskans.

A BILL FOR AN ACT to amend section 21-17,120.01, Revised Statutes Supplement, 1980, relating to credit unions; to provide the same advantages as a federal credit union; and to repeal the original section.

LEGISLATIVE BILL 61. By Labedz, 5th District.

This bill introduced on behalf of: homeowners of Nebraska.

A BILL FOR AN ACT to amend section 77-2703, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2702, 77-2704, and 77-27,142, Revised Statutes Supplement, 1980, relating to sales and income tax; to redefine a term; to change provisions relating to tax rates; to provide certain exemptions; to provide certain exceptions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 62. By Haberman, 44th District; Remmers, 1st District.
This bill introduced on behalf of: school children of Nebraska.

A BILL FOR AN ACT relating to taxes upon motor fuels; to provide an exemption; to provide limitations; and to provide duties.

LEGISLATIVE BILL 63. By Haberman, 44th District; Remmers, 1st District.
This bill introduced on behalf of: Class I, II, VI School Districts.

A BILL FOR AN ACT to amend section 79-1287, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Teachers' Negotiation Act; to change the application of such act; and to repeal the original section.

LEGISLATIVE BILL 64. By Nichol, 48th District.
This bill introduced on behalf of: Mike Martens.

A BILL FOR AN ACT to amend section 396,149, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to permit certain vehicles to display flashing lights; and to repeal the original section.

LEGISLATIVE BILL 65. By Nichol, 48th District.
This bill introduced on behalf of: City of Scottsbluff.

A BILL FOR AN ACT to amend sections 74-1302 to 74-1304, and 74-1308, Reissue Revised Statutes of Nebraska, 1943, and section 74-1305, Revised Statutes Supplement, 1980, relating to railroad transportation safety districts; to allow the inclusion of more than one municipality in a district; to change a penalty; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 66. By Nichol, 48th District.
This bill introduced on behalf of: people in western Nebraska.

A BILL FOR AN ACT to amend sections 71-2903, 71-2904, 71-2906, 71-2907, and 71-2909, Reissue Revised Statutes of Nebraska, 1943, and section 71-2910, Revised Statutes Supplement, 1980, relating to mosquito abatement; to provide for formation of districts by two or more counties; to change provisions relating to district elections; to provide additional powers to the board of trustees of such districts; and to repeal the original sections.

LEGISLATIVE BILL 67. By Rumery, 42nd District.
This bill introduced on behalf of: State Electrical Division.

A BILL FOR AN ACT to amend section 81-584, Reissue Revised Statutes, 1943, and sections 81-572 and 81-592, Revised Statutes Supplement, 1980, relating to the State Electrical Act; to define a term; to provide for registration of apprentice electricians; and to repeal the original section.

LEGISLATIVE BILL 68. By Hefner, 19th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 48-818, Revised Statutes Supplement, 1980, relating to the Commission of Industrial Relations; to require consideration of employers' financial capabilities; and to repeal the original section.

POINT OF PERSONAL PRIVILEGE

Mr. Nichol spoke to a point of personal privilege.

EASE

The Legislature was at ease from 10:21 a.m. until 10:34 a.m.

ANNOUNCEMENT

Mr. Landis announced the Urban Affairs Committee elected Mr. Remmers as Vice Chairperson.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 69. By Marsh, 29th District.
This bill introduced on behalf of: children.

A BILL FOR AN ACT relating to motor vehicles; to require the use of a passenger restraint system as prescribed; and to provide a penalty.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board of the Nebraska Legislature hereby submits the attached report on the referral of legislative bills 37 through 51, inclusive, for the approval of the Nebraska State Legislature. The committee held LB 50 for further consideration.

LB	Committee
37	Public Works
38	Agriculture and Environment
39	Public Health and Welfare
40	Revenue
41	Government, Military and Veterans Affairs
42	Judiciary
43	Judiciary
44	Judiciary
45	Government, Military and Veterans Affairs
46	Public Works
47	Public Works
48	Revenue
49	Constitutional Revision and Recreation
51	Public Works

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 70. By Cullan, 49th District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT to amend sections 32-226 and 32-438, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to eliminate the requirement that polling places and voting booths provide access to voters with physical mobility limitations; and to repeal the original sections.

LEGISLATIVE BILL 71. By H. Peterson, 35th District; L. Johnson, 15th District.

This bill introduced on behalf of: Nebraskans.

A BILL FOR AN ACT to amend section 8-355, Revised Statutes Supplement, 1980, relating to building and loan associations; to provide the same advantages as federal savings and loan associations; and to repeal the original section.

LEGISLATIVE BILL 72. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Carsten, 2nd District; Higgins, 9th District; Vickers, 38th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 37-101, 37-201, 37-204.01, 37-208, 37-211, 37-212, 37-214.01, 37-216.01, 37-301, 37-304, 37-304.02, 37-308, 37-508, 37-510, 37-714, 37-715, and 81-805, Reissue Revised Statutes of Nebraska, 1943, and sections 37-202, 37-204, 37-213, and 37-215, Revised Statutes Supplement, 1980, relating to game; to eliminate trapping permits; to provide for fur harvesting permits; to define and redefine terms; to establish fees; to provide for extension of certain permits; to change certain fees; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 73. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Carsten, 2nd District; Higgins, 9th District; H. Peterson, 35th District; Vickers, 38th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 37-502 and 37-503, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to permit the Game and Parks Commission to establish hours for taking certain fish; to change certain permit fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 74. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Carsten, 2nd District; Higgins, 9th District; H. Peterson, 35th District; Vickers, 38th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 37-1114, Reissue Revised Statutes of Nebraska, 1943, and sections 37-1105 and 37-1105.01, Revised Statutes Supplement, 1980, relating to park entry permits; to change permit fees; to change distribution of revenue from permit fees; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 75. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Higgins, 9th District; Carsten, 2nd District; H. Peterson, 35th District; Vickers, 38th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to game and parks; to provide a procedure to transfer to the Game and Parks Commission an amount equal to the revenue lost from certain fee-exempt permits.

LEGISLATIVE BILL 76. By DeCamp, 40th District.
This bill introduced on behalf of: non-fleers.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 29-210 and 60-408, Reissue Revised Statutes of Nebraska, 1943, and section 28-905, Revised Statutes Supplement, 1980; to change the penalty for operating a vehicle to avoid arrest; to provide for a system of records; to change provisions relating to operator's licenses; and to repeal the original sections.

LEGISLATIVE BILL 77. By Goodrich, 20th District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT to amend section 81-575, Revised Statutes Supplement, 1980, relating to the State Electrical Act; to change standards under which rules are adopted; and to repeal the original section.

LEGISLATIVE BILL 78. By Dworak, 22nd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 79-2101, and 79-2103, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Educational Television Commission; to restate intent; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 79. By Fowler, 27th District.
This bill introduced on behalf of: electric ratepayers.

A BILL FOR AN ACT relating to public power; to define terms; to limit budget increases; to provide exceptions; to direct the adoption and promulgation of rules and regulations; to provide special election procedures; and to declare an emergency.

ANNOUNCEMENT

Mr. Wesely announced the Rules Committee elected Mr. Sieck as Vice Chairperson.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 80. By Agriculture and Environment Committee: Schmit, 23rd District, Chairperson; Peterson, 21st District; Burrows, 30th District; Remmers, 1st District; Nichol, 48th District; Maresh, 32nd District; Wiitala, 31st District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to the Agricultural Products Industrial Utilization Committee; to amend section 66-470, Reissue Revised Statutes of Nebraska, 1943, and sections 66-468, 66-802, 66-804, 66-805, and 66-820, Revised Statutes Supplement, 1980; to rename such committee; to rename a fund; and to repeal the original sections.

ADJOURNMENT

At 10:58 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 10:00 a.m., Monday, January 12, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 12, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 12, 1981

Pursuant to adjournment, the Legislature met at 10:04 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan, Hoagland, and Newell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 98, line 34, add "L." before Johnson.
The Journal for the Third Day was approved as corrected.

MOTION - Adopt Rules

Speaker Marvel moved that the Rules in effect on the 60th Legislative Day of the 86th Legislature, 2nd Session, be adopted for today only, January 12, 1981.

The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

ANNOUNCEMENT

Mr. Carsten announced that he brought apples from Nebraska City for the members.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the

Legislature, the attached is a list of all Lobbyists who have registered as of January 12, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ackerman, James N., Lincoln - Insurance Federation of Nebraska
Adams, Donald D., Omaha - Omaha National Corporation
Agee, W.B., Omaha - Northwestern Bell Telephone Co.
Alexander, Hugh, Lincoln - First Greatwest Corporation
Allan, Marilyn J., Lincoln - Ryan & Williams, P.C.
Allen, Thomas H., Omaha - Omaha National Corporation
Andersen, Robert C., Lincoln - Nebraska Cooperative Council
Anderson, Ferd E., Jr., Omaha - American Consulting Engineers Council of Nebraska, NE Society of Professional Engineers
Andrews, Donald, Dr., Omaha - Omaha Board of Education
Arfmann, Bill, Lincoln - Nebraska Association of Public Employees
Bacon, Charles E. - NE Assoc. of Commerce & Industry
Baker, Bruce, Gering - Independent Businessmen's Lobby, a Division of National Data Comsette, Inc.
Barry, Leroy, Omaha - Mid-West Retail Farm Equipment Assoc.
Barton, David A., Omaha - United Benefit Life Insurance Company
Bauer, Rosemary A., Lincoln - Omaha Public Power
Belz, Paul - Nebraska State Education Association
Berkebile, Philip, Lincoln - Nebraska Press Advertising Service
Beverage, Roger M., Lincoln - Nebraska Bankers Association
Birtwell, Kathleen Ayres, Lincoln - Nebraska Bankers Association
Bokemper, Duane, Lincoln - The American Legion, Department of NE
Bosworth, Donald A., Omaha - Blue Cross, Blue Shield of Nebraska
Botsch, Barbara A., Omaha - Greater Omaha Chamber of Commerce
Boyle, Michael, Omaha - Nebraska Broadcasters Association
Brandt, William B., Lincoln - Nebraska Bankers Association
Brasher, David E., Des Moines - National Federation of Independent Business
Brown, Ronald L., Lincoln - Nebraska County Attorneys Association
Brown, Vincent D., Lincoln - American Petroleum Institute
Busch, William M., Omaha - Mutual Protective Insurance Company and its wholly owned subsidiary, Medico Life Ins. Company
Campbell, James R., Omaha - U. S. National Bank of Omaha
Campbell, John C., Omaha - Greater Omaha Chamber of Commerce
Carmody, Patrick L., Omaha - James H. Moylan

Carpenter, Rex, Lincoln - Nebraska Rural Electric Association
Cavanaugh, Thomas F., Lincoln - O'Hara & Associates, Inc.
Chambers, David L., Lincoln - League of Nebraska Municipalities
Chizek, G.E., Omaha - Northwestern Bell Telephone Company
Clark, Robert L., Lincoln - Lancaster County Board of Commissioners
Collins, Richard, E., Omaha - Pro-Law Association of Nebraska
Corkle, Margaret A., Omaha - Millard Public Schools
Cromer, Dr. C.A., Lincoln - NE Advisory Council for Vocational Education
Crosby, Guenzel, Davis, Kessner & Kuester:
  Crosby, Robert B., Lincoln - Better Nebraska Association, Lower Platte South NRD, Nebraska Association of Industrial Loan and Investment Companies, Professional Surveyors Association of Nebraska
  Davis, Donn E., Lincoln - National Indemnity Company, The Tobacco Institute, Inc.,
  Guenzel, Robert C., Lincoln - Nebraska Cooperative Council
  Kessner, Theodore L., Lincoln - Police Officers Association of Nebraska
  McFarland, James D., Lincoln - Better Nebraska Association
  McGuire Mark D., Lincoln - Police Officers Association
  Pace, Jack M., Lincoln - National Indemnity Company
  Seglin, Steven G., Lincoln - Lower Platte South NRD, Police Officers Association of Nebraska
Crosby, Robert B., Lincoln - First Federal Savings and Loan Association of Lincoln
Crosier, Donald A., Lincoln - American Petroleum Institute
Cunningham, James R. - Nebraska Catholic Conference
Cutshall, Bruce A., Lincoln - Missouri Valley Machinery Company, Sargent Irrigation Company, Tews and Radcliffe
Davlin, Michael C., Omaha - Mutual of Omaha Insurance Company
Dirrim, Delbert E., Omaha - Omaha Public Power District
Dobler, James B., Lincoln - Farmers Mutual Insurance Company of Nebraska
Donelson, K. Wayne, Denver, CO - Texaco Inc.
Dunlevey, James E., Lincoln - National Association of Theatre Owners of Nebraska
Eickhoff, Donald, Alvo - Veterans of Foreign Wars
Eldien, Paul V., Lincoln - U.S. Brewers Association, Inc.
Fiedler, Donald B., Omaha - National Organization for the Reform of Marijuana
Finigan, Edwin J., Lincoln - Nebraska Telephone Association

Fischer, Ralph J., Beatrice - General Agricultural Services, Ltd.
Ford, M. Jane, Lincoln - Southeast NE Health Systems Agency
Fraizer, T. J., Lincoln - American Insurance Association, American Reciprocal Insurance Assoc., Health Insurance Association of America; Mutual of Omaha Insurance Company, United Benefit Life Insurance Company
Frandsen, Gary G., Dallas, TX - Associates Corporation of North America
Frazier, Lawrence A., Lincoln - Farmers Mutual Insurance Company of Nebraska
Gabelman, Miriam E., Lincoln - Tews and Radcliffe
Glaess, Mark A., Lincoln - Nebraska Rural Electric Association
Glenn, Stephen V., Lincoln - NE State Home Builders Association
Goodding, Richard D., Lincoln - Nebraska Farm Bureau Federation
Gordon, James E., Lincoln - Nebraska & Omaha Food Retailers Association
Gottschalk, Frederic, Lincoln - Security Mutual Life Insurance Company
Graham, M.J. "Bub", Lincoln - Retail Merchants Assn. of Nebraska Inc.
Graves, Eugene J., Jr., Omaha - Metropolitan Omaha Builders Association
Greenfield, Jerry, Lincoln - Lincoln Firefighters Association - Local #644
Gruhn, Jim, Omaha - Nebraska State Association of Firefighters
Haessler, John, Lincoln - Woodmen Accident and Life Co.
Hart, Wayne, Lincoln - Lancaster County Board of Commissioners
Hawk, J. Gary, Lincoln - NE Plumbing, Heating & Cooling Contractors Association
Hayes, Bill, Omaha - Omaha Suburban Education Association
Holtgrewe, Theodore A., Omaha - Finance Committee of Christian Science Committee on Publication for Nebraska
Hopkins, Julian H., Lincoln - Bankers Life Insurance Co. of NE
Howard, Dave, Lincoln - Nebraska Association of Public Employees
Huff, Walt, Jr., Lincoln - Nebraska Chapter Assoc. General Contractors
Humpal, John E., Omaha - Blue Cross, Blue Shield of Nebraska
Hunzeker, Mark A., Lincoln - Insurance Federation of Nebraska
Ivey, Priscilla, Ralston - Omaha Suburban Area Council of Schools
Jacobsen, Ford K., Omaha - Metropolitan Utilities District
Jensen, Martin - Brotherhood of Railway and Airline Clerks
Johnson, Forrest A., Lincoln - Nebraska Tax Research Council, Inc.
Johnson, Joseph E., Lincoln - Nebraska Conservation Officers Association

Johnston, Paul, Lincoln - Nebraska Livestock Feeders Association
Jorgensen, Lanford L., Lincoln - Lincoln Center Association
Karnes, Donna, Lincoln - The Security Mutual Life Insurance Company of Lincoln
Kennedy, John W., Omaha - Central States Health & Life Company of Omaha
Kenny, Philip T., Omaha - Nebraska Railroad Association
King, Justin P., Lincoln - Nebraska State School Boards Association
Kochanski, James T., Omaha - Nebraska Chapter, National Electrical Contractors Association
Knudsen, Berkheimer, Beam, Richardson and Endacott
  Larry L. Ruth, Lincoln - Hall County Livestock Improvement Association, Inc.; National Bank of Commerce, National Motor Club, Nebraska State Bar Association, Nebraska State Home Builders Association, Nebraska Wholesale Suppliers Association, Northwestern High School, District 82, Tobacco Tax Council
Kratz, Dean G., Omaha - NE Bldg. Chapter Associated General Contractors, NE League of Savings & Loan Association
Kronberg, Wendell, Ralston - Ralston Area Chamber of Commerce
Kuhle, Shirley J., GRI, CRS, Lincoln - Concerned Citizen
Lilley, Roy W., Alliance - Nebraska Stock Growers Association
Lombardi, Richard Austin, Lincoln - Association of Nebraska Community Action Agencies, Grand Island Police Officers Union, Lincoln Police Union, Nebraska Correction Officers Union, North Platte Police Officers Union, Scottsbluff Police Officers Union, State Troopers Association of Nebraska
Long, Donald P., Holdrege - The Central NE Public Power and Irrigation District
Lynch, John - Nebraska State Education Association
MacDowell, Lloyd J., Lincoln - Nebraska State School Boards Assoc.
Mastny, Johnny F., Schuyler - NE Rural Letter Carriers' Assoc.
McCullough, Rose A., & Assoc., Lincoln - Nebraska Chapter of the Sierra Club
McDonald, Gordon L., Omaha - Nebraska State AFL-CIO
McEniry, Glenn J., Lincoln - NE Association of Commerce and Industry
McMullen, F.D., Jr., Omaha - Greater Omaha Chamber of Commerce
McNally, Timothy J. - Nebraska Association of Homes for the Aging
McNeil, Martin J., Lincoln - United Transportation Union
Mehmken, Roy E., Omaha - Mr. Scott Stuart-Outdoor Advertising Association of Nebraska, Nebraska Well Drillers Association, S and FA Reporting Services, Inc.

Merritt, Jack C., Lincoln - Lancaster County, Nebraska
Messersmith, Rex, Lincoln - Nebraska Livestock Feeders Association
Miesbach, Neal L., Omaha - Professional Insurance Agents of Nebraska
Mihovk, Donald J., Lincoln - Lincoln Chamber of Commerce
Millard, Herbert C., Omaha - Mechanical Contractors Association of Omaha, Inc.
Mills, Jack D., Lincoln - Nebraska Association of County Officials
Moeller, James E., Lincoln - Brotherhood of Locomotive Engineers, Nebraska State Legislative Board
Morris, Robert E., Lincoln - Nebraska Coaches Association
Moulton, William S., Omaha - NE & Omaha Food Retailers Association, Inc.
Moylan, James H., Omaha - Douglas County, Nebraska Association of County Officials, Nebraska Credit Union League, Nebraska Independent Bankers Association, Nebraska League of Registered Nurses, Inc., Nebraska Licensed Beverage Association
Murphy, Donald J., Omaha - U. S. National Bank of Omaha
Murphy, Lawrence E., Lincoln - NE Chiropractic Physicians Association
Neff, Kenneth E., Lincoln - Nebraska Medical Association
Nielson, Edwin J., Denver, CO - United Airlines & Air Transport Assoc.
Noren and Burns:
  Noren, Charles F., Lincoln - Independent Insurance Agents of Nebraska, Lincoln Firefighters Association - Local #644, Nebraska Motorcycle Dealers Association, Nebraska State Association of Firefighters, Nebraska Technical Community College Association, Nebraska Workmen's Compensation Court Judges Association
Odgaard, John E., Lincoln - Nebraska Water Resources Association
O'Hara, Paul V., Lincoln - Associates Corporation of North Amer., Blue Flame Gas Association, Committee of Independent Refiners/Marketers, First National Bank of Omaha, First National Lincoln, InterNorth, Inc., Louis Finocchiaro, Inc., Nebraska Association of Trial Attorneys, NE Municipal Power Pool, NE Railroad Association, NE Soft Drink Association, Omaha Public Power District
Orton, Lee, Lincoln - Nebraska Association of Resources Districts
Payne, Dale L., Papillion - Sarpy County Board of Commissioners
Peralez, Rudolf, Lincoln - Nebraska Aviation Trades Association
Peters, William E., Lincoln - Nebraska Association of Commerce & Industry

Peterson, Alan E., Lincoln - Media of Nebraska
Peterson, Robert F., Lincoln - NE Council of School Administrators
Pierson, Darwin R., Columbus - Nebraska Independent Oil & Gas Assoc.
Powers, Ray, Omaha - City of Omaha
Prabulos, William, Lincoln - Lincoln Firefighters Association - Local #644
Preston, James N., Lincoln - NE Motor Carrier's Association
Prettyman, Keith A., Lincoln - Woodmen Accident and Life Company
Ragsdale, John D., Lincoln - Woodmen Accident and Life Company
Rall, Frank, Lincoln - Nebraska Public Power District
Rasmussen, Dennis, Lincoln - NE Health Care Association, NE Land Improvement Contractors Assoc., NE Medical Association
Remington, S. June, Lincoln - Nebraska Congress of Parents and Teachers, Nebraska Speech and Hearing Association
Rex, L. Lynn, Lincoln - League of Nebraska Municipalities
Rowson, Joseph P., Lincoln - Lincoln Public Schools
Ryan, James E., Lincoln - Nebraska Beer Wholesalers Assoc.
Schimek, Herbert H., Lincoln - Nebraska State Education Assoc.
Shafer, Patricia N., Omaha - Omaha Education Association
Shapiro, Bernard L., Omaha - Credit Bureau Services of Omaha
Shaw, Marilynn K., Lincoln - Nebraska Realtors Association
Sherbert, Norman R., Denver, CO - General Motors Corporation
Sibley, D.S., Lincoln - Lincoln Education Association
Siefkes, Herman, Lincoln - Nebraska Restaurant Association
Simmons, Harold O., Lincoln - Lincoln Electric System
Simon, Ray, Omaha - International Brotherhood of Electrical Workers, Local #1521
Skochdopole, R. A., Lincoln - Governors of the Knights of Ak-Sar-Ben
Smith, Dwayne G., Columbus - Loup River Public Power District
Snodgrass, Delbert O., Lincoln - NE Assoc. of Commerce & Industry
Spitz, Clarence E., Lincoln - Omaha Public Power District
Stone, Fred R., Lincoln - Retail Merchants Assn. of NE Inc.
Sullivan, John L., Lincoln - NE New Car & Truck Dealers Association
Sutej, John M., Omaha - Local Union #1974, I.B.E.W.
Swanson, William F. - University of Nebraska
Tews, David D., Lincoln - Tews and Radcliffe
Tews and Radcliffe
  Radcliffe, Walter H., Lincoln - Bruce A. Cutshall, Can Manufacturing Institute, Committee for Essential Mental Health Care, Friends of Higher Education, Gerald T. Whelan,

Glass Packaging Institute, Grand Island Policeman's Union, Lincoln Police Union, Lincoln Telephone and Telegraph Company, Media of Nebraska, Motion Picture Assoc. of America, Inc., Nebraska Consumer Credit Association, Nebraska Correctional Officers Union, NE Manufactured Housing Institute, Inc., Nebraska Mortgage Association, Nebraska Pyrotechnics Association, Nebraska Securities Industries Assoc., Nebraska Sheriffs' and Peace Officers' Association, Nebraska Society of Certified Public Accountants, North Platte Police Officers Union, Postal Finance and Postal Savings Co., Scottsbluff Police Officers Union, Singleton Ranch, Inc., State Troopers Association of NE, Wine Institute

Thomas, Deborah, Lincoln - City of Lincoln
Tiehen, Judith, Lincoln - Nebraska Coalition for Life
Todd, A. Loy, Jr., Lincoln - Nebraska Consumer Credit Association, NE Manufactured Housing Institute, Inc.
Ullstrom, Galen F., Lincoln - Lincoln Liberty Life Insurance Company
Vereen, David L., Lincoln - Nebraska Realtors Association
Watters, George L., Lincoln - Nebraska Petroleum Marketers, Inc.
Wells, Stanley A., Lincoln - Cooperative Service Company
Welsch, Ernest, Milford - National Farmers Organization - Ed Tvrdy
Wheeler, Calvin W., Omaha - Mutual of Omaha Insurance Company
Wheeler, Stuart L., Hastings - Kansas-Nebraska Natural Gas Company, Inc.
Whelan, Gerald T., Hastings - Tews and Radcliffe
Wilson, Franklin L., Omaha - Brotherhood of Maintenance of Way Employees
Wilson, Stanley F., Lincoln - Nebraska New Car & Truck Dealers Association
Wishnick, Yale S., Lincoln - Lincoln Education Association
Woods, John D., Omaha - Omaha National Corporation
Wurtz, Thomas A., Omaha - Metropolitan Utilities District
Yost, Kurt T., Lincoln - Mid-America Lumbermens Association
Young, Harry, Beatrice - Norris Public Power District
Zanolli, Claudia L., Lincoln - Noren, Charles F.

REPORT

Received copy of exhibit plan from Nebraska State Historical Society Museum.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Goodrich asked unanimous consent to add his name to LB 40. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 1.

RESOLUTION

LEGISLATIVE RESOLUTION 2. Read. Considered.

LR 2 was adopted with 39 ayes, 0 nays, and 10 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 81. By Sieck, 24th District.
This bill introduced on behalf of: Ground Water Conservation Districts.

A BILL FOR AN ACT relating to ground water conservation districts; to amend section 46-634.01, Reissue Revised Statutes of Nebraska, 1943, section 2-3213, Revised Statutes Supplement, 1980, and Laws 1978, LB 411, section 4; to change when such districts shall be dissolved; to eliminate an operative date; to provide an operative date; and to repeal the original sections, and also sections 46-614 to 46-630 and 46-632 to 46-634, Reissue Revised Statutes of Nebraska, 1943, section 46-631, Revised Statutes Supplement, 1980, and Laws 1978, LB 411, section 3.

LEGISLATIVE BILL 82. By Sieck, 24th District.
This bill introduced on behalf of: City of York.

A BILL FOR AN ACT relating to certain state property; to provide for the conveyance of an easement to the city of York; and to declare an emergency.

LEGISLATIVE BILL 83. By Stoney, 4th District.
This bill introduced on behalf of: Nebraskans, State Fire Marshall, County Attorneys.

A BILL FOR AN ACT to amend sections 28-502, 28-503, and 28-504, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Criminal Code; to change provisions relating to arson as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 84. By Stoney, 4th District.
This bill introduced on behalf of: Clerks of the District Courts.

A BILL FOR AN ACT to amend section 33-106, Reissue Revised Statutes of Nebraska, 1943, relating to fees; to change certain fees; and to repeal the original section.

LEGISLATIVE BILL 85. By Fowler, 27th District.
This bill introduced on behalf of: senior citizens.

A BILL FOR AN ACT relating to public transportation; to amend section 19-3908, 75-303, and 79-487, Reissue Revised Statutes of Nebraska, 1943; to authorize certain contracts; to exempt certain motor carriers from regulation by the Public Service Commission; and to repeal the original sections.

LEGISLATIVE BILL 86. By Marsh, 29th District.
This bill introduced on behalf of: Retired Nebraskans.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1980, relating to revenue and taxation; to provide an income tax exemption for federal civil service annuities; to provide an operative date; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 3.

Introduced by Beutler, 28th District; Marsh, 29th District.

WHEREAS, up to the present time students have had a limited exposure to women's roles in American history, and
WHEREAS, women's contributions to the development of the United States have been sometimes ignored or stereotyped, and
WHEREAS, the lives of women from diverse cultures are sometimes neglected in history books, and
WHEREAS, in educational curriculum there is too little examination or presentation of the contributions of women in the areas of drama, art, poetry, literature and music, and
WHEREAS, students need to have an awareness of women's roles in the making of history and in the development of American society and culture, and

WHEREAS, it is fitting and proper that a period of time be set aside to celebrate the contributions of women in history, to promote public awareness of their contributions, and to encourage further study of this subject, and

WHEREAS, it is also fitting that Women's History Week be observed in conjunction with "International Women's Day", March 8, a celebration which originated in the United States,

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the week of March 8-14, 1981, be proclaimed Women's History Week in Nebraska.
2. That all Nebraska citizens be encouraged to take part in the special events scheduled for Women's History week.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 87. By Higgins, 9th District.
This bill introduced on behalf of: City of Omaha.

A BILL FOR AN ACT to amend section 53-1,121, Revised Statutes Supplement, 1980, relating to liquors; to authorize removal of certain persons from quasi-public property as prescribed; to require civil protective custody; to define a term; and to repeal the original section.

LEGISLATIVE BILL 88. By Koch, 12th District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT to amend sections 77-1301.06 and 77-1331, Reissue Revised Statutes of Nebraska, 1943, and section 77-509, Revised Statutes Supplement, 1980, relating to taxation; to provide for computer-assisted valuation of real property as prescibed; to provide duties and penalties; to provide severability; to provide an operative date; to repeal the original sections, and also section 77-1301.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 89. By Marsh, 29th District.
This bill introduced on behalf of: timely and efficient case disposal.

A BILL FOR AN ACT to amend section 5-105, Revised Statutes Supplement, 1980, relating to judicial districts; to increase the number of judges as prescribed; and to repeal the original section.

LEGISLATIVE BILL 90. By Goodrich, 20th District.
This bill introduced on behalf of: State of Nebraska.

A BILL FOR AN ACT to amend sections 29-3520 and 29-3521, Reissue Revised Statutes of Nebraska, 1943, relating to criminal records; to adopt the Youth Corrections Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 91. By Goodrich, 20th District.
This bill introduced on behalf of: State of Nebraska.

A BILL FOR AN ACT to amend section 85-943, Revised Statutes Supplement, 1980, relating to postsecondary education; to authorize certain programs; and to repeal the original section.

EASE

The Legislature was at ease from 10:28 a.m. until 10:45 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 92. By Fenger, 45th District.
This bill introduced on behalf of: Nebraska State Board of Public Accountancy.

A BILL FOR AN ACT to amend sections 1-109, 1-110, 1-137, 1-138, 1-139, and 1-160, Reissue Revised Statutes of Nebraska, 1943, and sections 1-107, 1-135, and 1-136, Revised Statutes Supplement, 1980, relating to accountants; to provide for appointments to the Nebraska State Board of Public Accountancy; to change the publication date of an annual register; to change permit fees; to provide an additional sanction; to change unlawful practices as prescribed; to delete obsolete language; and to repeal the original sections.

LEGISLATIVE BILL 93. By Marsh, 29th District.
This bill introduced on behalf of: Lancaster County.

A BILL FOR AN ACT to amend section 71-5029, Revised Statutes Supplement, 1980, relating to public health and welfare; to define a term; to limit the use of state matching funds as precribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 94. By Beutler, 28th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 46-658, Revised Statutes Supplement, 1980, relating to ground water; to change provisions relating to control areas; and to repeal the original section.

LEGISLATIVE BILL 95. By Cullan, 49th District.
This bill introduced on behalf of: People of State of Nebraska.

A BILL FOR AN ACT relating to mental health commitments; to amend sections 29-2203, 83-312, 83-339, 83-340, 83-340.01, 83-1011, 83-1016, 83-1017, 83-1018, 83-1024, 83-1026, 83-1027, 83-1028, 83-1029, 83-1035, 83-1036, 83-1048, 83-1049, 83-1053, 83-1056, 83-1058, 83-1059, and 83-1060, Reissue Revised Statutes of Nebraska, 1943, and sections 83-1037 and 83-1044, Revised Statutes Supplement, 1980; to provide definitions; to provide duties; to establish procedures; to provide severability; and to repeal the original sections, and also sections 83-342, 83-1031 to 83-1033, and 83-1063, Reissue Revised Statutes of Nebraska, 1943, and sections 83-1030 and 83-1034, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 96. By Barrett, 39th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT relating to real property; to provide a conclusive presumption of cotenancy as prescribed.

LEGISLATIVE BILL 97. Administrative Rules and Regulations Review Committee: V. Johnson, 8th District, Chairperson; R. Peterson, 21st District; Barrett, 39th District; DeCamp, 40th District; Koch, 12th District; Haberman, 44th District; Fowler, 27th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 84-205 and 84-906, Reissue Revised Statutes of Nebraska, 1943, and sections 84-901, 84-906.03, 84-907, and 84-907.02, Revised Statutes Supplement, 1980, relating to administrative rules and regulations; to provide duties for the Revisor of Regulations; to provide for the publication and distribution of a weekly register; to change provisions relating to duties of administrative agencies; to provide additional duties for the Governor, Attorney General, Department of Administrative Services, and the Supreme Court; and to repeal the original sections.

LEGISLATIVE BILL 98. By Vickers, 38th District.
This bill introduced on behalf of: People of the State.

A BILL FOR AN ACT to amend section 60-335, Revised Statutes Supplement, 1980, relating to motor vehicles; to change provisions relating to motor vehicles exempt from registration fees; and to repeal the original section.

LEGISLATIVE BILL 99. By Beutler, 28th District.
This bill introduced on behalf of: City of Lincoln.

A BILL FOR AN ACT to amend section 26-112, Reissue Revised Statutes of Nebraska, 1943, relating to courts; to change fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 100. By Rumery, 42nd District.
This bill introduced on behalf of: Dr. Bernie D. Taylor.

A BILL FOR AN ACT to amend section 37-501, Reissue Revised Statutes of Nebraska, 1943, relating to game and parks; to change provisions relating to offenses; to change a penalty; and to repeal the original section.

LEGISLATIVE BILL 101. By Hoagland, 6th District.
This bill introduced on behalf of: The People of the State of Nebraska.

A BILL FOR AN ACT to amend sections 49-1401 and 49-1403, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Political Accountability and Disclosure Act; to limit aggregate campaign contributions; to require reporting of individual contributions; to provide for enforcement; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 102. Government, Military and Veterans Affairs Committee: By Kahle, 37th District, Chairperson; Kilgarin, 7th District; Chambers, 11th District; V. Johnson, 8th District; Goll, 16th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 77-3424, Revised Statutes Supplement, 1980, relating to the Political Subdivision Budget Limit Act of 1979; to provide that funds used for certain salary increases not be included as anticipated receipts; and to repeal the original section.

LEGISLATIVE BILL 103. Government, Military and Veterans Affairs Committee: Kahle, 37th District, Chairperson; Kilgarin, 7th District; Haberman, 44th District; Chambers, 11th District; V. Johnson, 8th District; Goll, 16th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 77-3424, Revised Statutes Supplement, 1980, relating to the Political Subdivision Budget Limit Act of 1979; to provide that certain expenditures for criminal detention facilities not be included as anticipated receipts; and to repeal the original section.

RECESS

At 10:56 a.m., on a motion by Speaker Marvel, the Legislature recessed until 3:00 p.m.

AFTER RECESS

The Legislature reconvened at 3:06 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Cope, Cullan, V. Johnson, Newell, and Schmit who were excused until they arrive.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Von Minden asked unanimous consent to add his name as a sponsor to LB 32 and LB 35. No objections. So ordered.

ANNOUNCEMENT

Mr. Fowler announced the Nebraska Retirement Systems Committee elected Mr. Goodrich as Vice Chairperson.

NATURAL RESOURCE DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1981 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT		FEE
Little Blue		
Dan W. Baird	Attorney	2,881.00
Crosby, Guenzel, Davis,		

Kessner & Kuester	Attorneys	10,203.36
Baldwin & McKernan	Attorneys	99.50
Lower Platte North		
Sidner, Svoboda, Schilke, Wiseman & Thomsen (George Svoboda)	Attorneys	37,417.23
Little Blue Case		11,674.46
Rawhide		16,067.50
Jetty's Case		5,056.05
Others		4,619.22

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 104. By Agriculture and Environment Committee: Schmit, 23rd District, Chairperson; R. Peterson, 21st District; Remmers, 1st District; Wagner, 41st District; Wiitala, 31st District; Maresh, 32nd District; Nichol, 48th District; Burrows, 30th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 66-410, Revised Statutes Supplement, 1980, relating to taxation of motor vehicle fuels; to authorize an annual review by the Legislature; and to repeal the original section.

LEGISLATIVE BILL 105. By Sieck, 24th District.
This bill introduced on behalf of: Public Service Commission.

A BILL FOR AN ACT relating to grain; to amend sections 88-502, 88-503, 88-512, and 88-516, Reissue Revised Statutes of Nebraska, 1943, and sections 88-513, 88-515, 88-518, and 89-1,106, Revised Statutes Supplement, 1980; to provide powers and duties for the Public Service Commission; to change provisions relating to grain warehouses and warehousemen; to place restrictions on grain storage and purchase procedures; to require registration of foreign grain buyers; to change provisions relating to grain moisture measuring devices; to change a penalty; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 106. By Remmers, 1st District.
This bill introduced on behalf of: John Cooper, Humboldt, Nebraska.

A BILL FOR AN ACT to amend section 32-403, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to increase the compensation for certain election officials; and to repeal the original section.

LEGISLATIVE BILL 107. By Kahle, 37th District.
This bill introduced on behalf of: Community Mental Health.

A BILL FOR AN ACT to amend section 71-5009, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Comprehensive Community Mental Health Services Act; to change provisions relating to funding of the mental health regional boards; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 108. By Kahle, 37th District.
This bill introduced on behalf of: Silver Haired Legislature.

A BILL FOR AN ACT to amend section 68-1006, Reissue Revised Statutes of Nebraska, 1943, relating to public assistance; to provide that increases in certain benefits be disregarded when determining need; and to repeal the original section.

LEGISLATIVE BILL 109. By Wagner, 41st District.
This bill introduced on behalf of: Department of Water Resources.

A BILL FOR AN ACT to amend section 46-209, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Water Resources; to provide for the costs of a transcript of the department; and to repeal the original section.

LEGISLATIVE BILL 110. By Wagner, 41st District.
This bill introduced on behalf of: Lower Loup NRD.

A BILL FOR AN ACT to amend section 2-3225, Revised Statutes Supplement, 1980, relating to natural resources; to eliminate a restriction on the use of funds from taxes levied by a natural resources district; and to repeal the original section.

LEGISLATIVE BILL 111. By Chronister, 18th District.
This bill introduced on behalf of: Nebraska State Bar Association.

A BILL FOR AN ACT relating to judicial salaries; to amend sections 24-301.01, 24-513, and 26-106, Reissue Revised Statutes of Nebraska, 1943, and section 48-159, Revised Statutes Supplement, 1980; to adjust salaries; to provide a formula for establishing salaries; and to repeal the original sections.

LEGISLATIVE BILL 112. By Fenger, 45th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend sections 60-433 and 60-1701.01 to 60-1707, Reissue Revised Statutes of Nebraska, 1943, and section 60-1701, Revised Statutes Supplement, 1980, relating to motor vehicles; to provide duties for the Nebraska State Patrol; to transfer administration of the motor vehicle inspection laws to the Nebraska State Patrol; to change permit fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 113. By DeCamp, 40th District.
This bill introduced on behalf of: Larry Ruth.

A BILL FOR AN ACT to adopt the Motor Club Services Act of Nebraska; to amend section 44-101.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Director of Insurance; to establish a penalty; to provide for severability; to provide an operative date; to repeal the original section; and to declare an emergency.

MOTION - Rule Changes

Mr. Wesely moved to suspend Rule 2, Section 2 of the temporary rules so as to proceed to adoption of permanent rules.

The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Mr. Wesely moved the adoption of the Permanent Rules for the Eighty-Seventh Legislature, First Session.

Mr. Wesely called for a division on the following:

1. Rule 7 Section 1, dealing with the one week recess period.
2. Rule 3 Section 11, dealing with the adoption of committee procedural rules.
3. Rule 5 Section 5, dealing with limitations on the number of committee bills allowed for introduction.
4. All remaining rules as shown in the blue volume.

The Chair sustained the division.

Mr. Wesely offered the following amendment:
Amend Rule 7 Section 1 in Line 7 strike "one week" and insert "5" calendar days".

Mr. Lamb offered the following amendment to the Wesely amendment:

Amend the Wesely motion by striking its contents and insert in Rule 7, Sec. 1: To strike "the legislature shall in odd-numbered years, after a period allowed for the introduction of bills recess for one week. During such recess committees shall prepare for public distribution, a calendar of hearing dates. No committee hearings shall be held during the recess provided for in this section.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 36 ayes, 1 nay, and 12 not voting.

The Lamb amendment to the Wesely amendment lost with 16 ayes, 25 nays, and 8 not voting.

The Wesely amendment prevailed with 35 ayes, 4 nays, and 10 not voting.

Mr. Wesely moved the adoption of Rule 7, Section 1 as amended.

The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Mr. Wesely moved the adoption of Rule 3, Section 11.

Mr. Beutler moved for a Call of the House. The motion prevailed with 15 ayes, 4 nays, and 30 not voting.

Mr. Beutler requested a roll call vote.

Voting in the affirmative, 21:

Beutler
Cope
Dworak
Fitzgerald
Fowler
Goll
Hoagland
Kahle
Kilgarin
Koch
Kremer
Landis
Maresh
Marsh
Remmers
Rumery
Sieck
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 25:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
DeCamp
Fenger
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Labedz
Lamb
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Schmit
Von Minden
Wagner
Warner

Excused and not voting, 3:

Cullan	Johnson, V.	Newell

The Wesely motion to adopt Rule 3, Section 11 lost with 21 ayes, 25 nays, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Wesely moved the adoption of Rule 5, Section 5.

Mr. DeCamp offered the following amendment to the Wesely amendment:

Strike the limitation on Committee Bills.

Amendments pending.

ADJOURNMENT

At 4:46 p.m., on a motion by Mr. Warner, the Legislature adjourned until 9:30 a.m., Tuesday, January 13, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 13, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 13, 1981

Pursuant to adjournment, the Legislature met at 9:32 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Simon Long, St. Marks On The Campus Episcopal Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Sieck who was excused; and Messrs. Hoagland, Maresh, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 124, after line 6, insert:
Mr. Wesely offered the following amendment:
Amend Rule 5, Section 5 (d) in Line 4 by striking "10" and inserting "15".
The Journal for the Fourth Day was approved as corrected.

MOTION - Adopt Rules

Mr. Wesely moved that the Rules in effect for the 60th Legislative Day of the Eighty-Sixth Legislature, 2nd Session, except for Rule 2, Section 2, be adopted for today only, January 13, 1981.

The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board of the Nebraska Legislature hereby submits the attached report on the referral of legislative bills 50 and 52 through 80.

LB 32 was re-referred to the Committee on Judiciary.

LB	**Committee**
50	Judiciary
52	Public Works
53	Judiciary
54	Judiciary
55	Judiciary
56	Public Works
57	Banking, Commerce and Insurance
58	Urban Affairs
59	Revenue
60	Banking, Commerce and Insurance
61	Revenue
62	Revenue
63	Education
64	Public Works
65	Public Works
66	Government, Military and Veterans Affairs
67	Miscellaneous Subjects
68	Business and Labor
69	Public Works
70	Government, Military and Veterans Affairs
71	Banking, Commerce and Insurance
72	Constitutional Revision and Recreation
73	Constitutional Revision and Recreation
74	Constitutional Revision and Recreation
75	Constitutional Revision and Recreation
76	Judiciary
77	Miscellaneous Subjects
78	Education
79	Public Works
80	Agriculture and Environment

(Signed) Howard Lamb, Chairperson
Executive Board

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Beyer asked unanimous consent to add his name to LB 85. No objections. So ordered.

ANNOUNCEMENT

Mr. V. Johnson announced the Administrative Rules & Regulations Review Committee elected Mr. Koch as Vice Chairperson.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 2.

RESOLUTION

LEGISLATIVE RESOLUTION 4.

Introduced by Mr. Koch, 12th District.

WHEREAS, the outcome of the recent election for President and Vice President was predicted early in the evening of November 4, 1980, by the national broadcast media, before the polls closed in Nebraska and other midwestern and western states; and

WHEREAS, the broadcast media based their predictions on election returns released by election officials of eastern states after the polls closed in those states; and

WHEREAS, there is strong evidence that the predictions discouraged many citizens in the midwestern and western states from voting and thus affected the outcome of many important and close state and local issues and contests; and

WHEREAS, the Nebraska Legislature recognizes the need for national legislation that will lessen the impact of election returns from eastern states on voters in Nebraska and other midwestern and western states and that will recognize and respect the constitutional rights of the media to report the news.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature urges the Congress of the United States to study and consider seriously the effect that the release of election returns from eastern states has on voting in the midwestern and western states.
2. That the members of the Legislature urge the Congress of the United States to enact legislation that will minimize the impact of the early release of election returns from eastern states but will not discourage any citizen from exercising one of the most precious rights of an American, the right to vote.

3. That the Clerk of the Legislature provide a copy of this resolution to each Nebraska senator and representative in Congress.

Laid over.

ANNOUNCEMENT

Mr. Clark announced that the Intergovernmental Cooperation Committee elected Mrs. Marsh as Vice Chairperson.

RESOLUTION

LEGISLATIVE RESOLUTION 3. Read. Considered.

LR 3 was adopted with 38 ayes, 0 nays, and 11 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 114. By Wagner, 41st District.
This bill introduced on behalf of: Department of Water Resources.

A BILL FOR AN ACT to amend section 46-261, Revised Statutes Supplement, 1980, relating to irrigation; to provide for furnishing of information upon order of the Department of Water Resources; and to repeal the original section.

LEGISLATIVE BILL 115. By Fowler, 27th District.
This bill introduced on behalf of: labor.

A BILL FOR AN ACT to amend sections 48-121 and 48-122, Revised Statutes Supplement, 1980, relating to workmen's compensation; to increase compensation limits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 116. By Newell, 13th District.
This bill introduced on behalf of: State Employees.

A BILL FOR AN ACT to provide salary increases for all state departments and agencies; to provide an operative date; and to provide for repeal.

LEGISLATIVE BILL 117. By Newell, 13th District.
This bill introduced on behalf of: Taxpayer of Nebraska.

A BILL FOR AN ACT relating to revenue and taxation; to provide refunds for sales and use taxes on certain manufacturing equipment; to provide duties for the Department of Revenue; to provide for appeals; to provide an operative date; and to provide for termination of the act.

LEGISLATIVE BILL 118. By Hefner, 19th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 48-626 and 48-628, Revised Statutes Supplement, 1980, relating to employment security; to change maximim benefit amount and disqualification provisions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 119. By Hefner, 19th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 48-651, Reissue Revised Statutes of Nebraska, 1943, relating to employment security; to provide for notification to the employer as prescribed; and to repeal the original section.

LEGISLATIVE BILL 120. By Burrows, 30th District.
This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT to amend section 25-2165, Reissue Revised Statutes of Nebraska, 1943, relating to writs of mandamus; to provide for the recovery of attorney's fees as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 121. By Vickers, 38th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to school lands and funds; to amend section 72-224.03, Revised Statutes Supplement, 1980; to provide procedures for granting easements to certain public bodies as prescribed; and to repeal the original section.

MOTION - Rule Changes

Mr. DeCamp asked unanimous consent to withdraw his amendment to the Wesely amendment. No objections. So ordered.

Mr. Wesely renewed his pending amendment which is as follows:

Amend Rule 5 Section 5 (d) in Line 4 by striking "10" and inserting "15".

Mr. Koch offered the following amendment to the Wesely amendment:

Amend Rule 5, Sec. 5 - Part D.
Strike line 1-2-3.
Insert Individual members shall not be limited as to bill introduction. Each Committee shall be limited to 15 bills each session.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

The Koch amendment to the Wesely amendment prevailed with 25 ayes, 20 nays, 1 present and not voting, and 3 excused and not voting.

Mr. Warner offered the following amendment to the Wesely amendment:

Amend Rule 5 sec. 5 (d) to strike "and Appropriations bills" in the last sentence.

The motion prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Warner offered the following amendment to the Wesely amendment:

Amend Wesely amendment to Rule 5 Sec. 5 (d) by striking "15" and insert "8".

The motion prevailed with 34 ayes, 6 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 14 nays, and 13 not voting.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

The Wesely amendment, as amended, prevailed with 25 ayes, 19 nays, and 5 not voting.

Mr. Wesely moved the adoption of Rule 5, Section 5 for the Permanent Rules.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
"Limit individual bill introductions to 15 per session."

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Beutler requested a roll call vote.

Voting in the affirmative, 21:

Barrett
Beutler
Cope
Cullan
Fenger
Goodrich
Haberman
Hefner
Kremer
Lamb
Marsh
Marvel
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Stoney
Vickers
Von Minden
Wagner

Voting in the negative, 23:

Beyer
Burrows
Carsten
Chambers
Chronister
Clark
DeCamp
Dworak
Fitzgerald
Fowler
Goll
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Peterson, H.
Rumery
Warner
Wiitala

Present and not voting, 1:

Wesely

Excused and not voting, 4:

Hoagland
Maresh
Schmit
Sieck

The Beutler amendment lost with 21 ayes, 23 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

The Wesely amendment, as amended, to adopt Rule 5 Section 5 as part of the Permanent Rules prevailed with 25 ayes, 16 nays, and 8 not voting.

Mr. Cullan requested a record vote.

Voting in the affirmative, 25:

Beyer
Burrows
Chambers
Chronister
DeCamp
Dworak
Fowler
Goll
Higgins
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Peterson, H.
Rumery
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 16:

Barrett
Beutler
Carsten
Clark
Cope
Cullan
Fenger
Goodrich
Haberman
Kahle
Lamb
Peterson, R.
Pirsch
Remmers
Stoney
Wagner

Not voting, 8:

Fitzgerald
Hefner
Hoagland
Maresh
Nichol
Schmit
Sieck
Von Minden

The Wesely amendment, as amended, prevailed with 25 ayes, 16 nays, and 8 not voting.

VISITORS

Visitors to the Chamber were Prof. Maynard Traeder and four students from Midland College; and 28 seventh grade students and teacher from East Butler School, Brainard.

RECESS

At 12:02, on a motion by Mr. Warner, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:03 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Nichol, and Sieck who were excused; and Messrs. Hoagland, V. Johnson, Kahle, Maresh, and Schmit who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 81 through 113.
The Executive Board reports the re-referral of LB 30 and 37 from the Public Works Committee to Urban Affairs.

LB	**Committee**
81	Public Works
82	Miscellaneous Subjects
83	Judiciary
84	Judiciary
85	Urban Affairs
86	Revenue
87	Judiciary
88	Revenue
89	Judiciary
90	Judiciary
91	Education
92	Banking, Commerce and Insurance
93	Public Health and Welfare
94	Public Works
95	Public Health and Welfare
96	Judiciary
97	Administrative Rules & Regulations
98	Public Works
99	Judiciary
100	Constitutional Revision and Recreation
101	Miscellaneous Subjects
102	Revenue
103	Revenue
104	Agriculture and Environment
105	Agriculture and Environment
106	Government, Military and Veterans Affairs
107	Public Health and Welfare
108	Public Health and Welfare
109	Public Works
110	Public Works
111	Judiciary
112	Public Works
113	Banking, Commerce and Insurance

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 122. By Sieck, 24th District.
This bill introduced on behalf of: League of Municipalities.

A BILL FOR AN ACT relating to liens; to provide for attaching liens upon property for the nonpayment of certain bills for the provision of water or electricity.

LEGISLATIVE BILL 123. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Von Minden, 17th District; Beyer, 3rd District; Fenger, 45th District; Fitzgerald, 14th District; Cullan, 49th District; Newell, 13th District; Barrett, 39th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 75-302, 75-303, 75-309, 75-310, and 75-319, Reissue Revised Statutes of Nebraska, 1943, relating to motor carriers; to change provisions relating to motor carriers as prescribed; to define terms; to provide for temporary and emergency temporary authorities; to change an exception; and to repeal the original sections.

LEGISLATIVE BILL 124. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Von Minden, 17th District; Beyer, 3rd District; Fenger, 45th District; Fitzgerald, 14th District; Cullan, 49th District; Newell, 13th District; Barrett, 39th District.

A BILL FOR AN ACT to amend section 53-132, Reissue Revised Statutes of Nebraska, 1943, and sections 53-164.01 and 53-180.02, Revised Statutes Supplement, 1980, relating to liquors; to provide standards for licenses; to provide duties; to clarify provisions relating to minors; and to repeal the original sections.

LEGISLATIVE BILL 125. By Dworak, 22nd District; Labedz, 5th District; Higgins, 9th District.
This bill introduced on behalf of: selves.

A BILL FOR AN ACT relating to insurance; to restrict the coverage provided under certain contracts or agreements as prescribed.

LEGISLATIVE BILL 126. By DeCamp, 40th District.
This bill introduced on behalf of: Nebraska Retail Merchants.

A BILL FOR AN ACT to amend section 28-518, Reissue Revised Statutes of Nebraska, 1943, and section 28-511, Revised Statutes Supplement, 1980, relating to crime and punishment; to provide for the crime of theft by shoplifting as prescribed; to provide a penalty; to change a penalty; and to repeal the original sections.

LEGISLATIVE BILL 127. By Sieck, 24th District.
This bill introduced on behalf of: Nebraska Association of Professional Surveyors.

A BILL FOR AN ACT relating to surveys and surveyors; to amend sections 23-302, 23-1901, 23-1907, 23-1908, 23-1910, 23-1911, 33-116, 39-1506, 81-8,122, 81-8,122.01, 84-407, and 84-409, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to county resurveys; to change certain duties of the county surveyors; to change the compensation of county surveyors as prescribed; to provide for a survey record repository; to change certain filing procedures; to provide duties and powers for the State Surveyor; to change the qualifications and compensation of the State Surveyor as prescribed; to eliminate certain provisions relating to chainmen and certificates of surveys; and to repeal the original sections, and also sections 23-1902 and 23-1912, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 128. By Rumery, 42nd District.
This bill introduced on behalf of: Nebraska State Education Association.

A BILL FOR AN ACT to amend section 79-1528, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to retirement system payments; and to repeal the original section.

LEGISLATIVE BILL 129. By Cullan, 49th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT relating to alcohol; to declare certain acts unlawful; to provide a penalty; to authorize detention pending issuance of a warrant; to exclude alcoholism treatment facilities from the operation of the Nebraska Health Care Certificate of Need Act for a period of three years; and to repeal sections 53-1,119 and 53-1,120, Reissue Revised Statutes of Nebraska, 1943, and section 53-1,121, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 130. By Administrative Rules & Regulations Review Committee: V. Johnson, 8th District, Chairperson;

R. Peterson, 21st District; Barrett, 39th District; Koch, 12th District; DeCamp, 40th District; Fowler, 27th District, Haberman, 44th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 84-901 and 84-906.03, Revised Statutes Supplement, 1980, relating to rules of administrative agencies; to redefine a term; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 131. By Newell, 13th District.
This bill introduced on behalf of: Metropolitan Educators.

A BILL FOR AN ACT to amend sections 79-1032, 79-1049, and 79-1258, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to increase certain employee retirement ages; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 132. By DeCamp, 40th District.
This bill introduced on behalf of: Nebraskan.

A BILL FOR AN ACT to adopt the Municipal Cooperative Financing Act; and to provide severability.

LEGISLATIVE BILL 133. By Warner, 25th District; Clark, 47th District.
This bill introduced on behalf of: Nebraska Bankers Association.

A BILL FOR AN ACT to amend section 8-157, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to change provisions relating to detached auxiliary offices; and to repeal the original section.

MOTION - Rule Changes

Mr. Wesely moved the adoption of the remaining rules as shown in the blue volume.

Mr. Beutler asked unanimous consent to withdraw his pending rule change, Rule 5, new Section 6 found in the Journal on page 27 for the First Day. No objections. So ordered.

Mr. Beutler offered the following rule change:

RULE 5 NEW SECTION 6
SCHEDULING OF BILLS — PRIORITY BILLS

1. Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

2. Each standing committee chairperson may designate two of the committee's bills as priority bills.

3. The Speaker may designate any additional number of priority bills.

4. Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety day session and prior to the 30th legislative day in the sixty day session.

5. A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

6. All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

7. All bills not designated as priority bills shall be heard on general file in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with two or less dissenting votes on a Consent Calendar. Any bill placed on Consent Calendar shall be removed at the written request of three or more senators.

8. Priority bills shall generally be considered ahead of all other bills at each stage of debate, except that priority bills requiring the expenditure of appropriated funds may be held on final reading until such time as the annual appropriations bills have been passed. The Speaker shall structure the agenda of the Legislature so that all priority bills are given an opportunity to be voted upon for final passage prior to the end of the annual session.

9. No priority bill designated under this rule shall have priority over appropriations bills.

The Beutler rule change was adopted with 25 ayes, 3 nays, and 21 not voting.

Mr. Beutler asked unanimous consent to withdraw his pending rule change, Rule 7, new Section 5 found in the Journal on page 28 for the First Day. No objections. So ordered.

Mr. Beutler offered the following rule change:

Amend Rule 7 by inserting a new section 5 which reads:

At any stage of consideration the introducer of the bill or the chairperson of the committee, if it is a committee bill, may move for cloture to the presiding officer after 2 1/2 hours of debate on a priority bill as designated pursuant to Rule 5 Section 6, or after one hour of debate on a non-priority bill. The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. The vote on the pending amendment or motion shall be taken immediately. Following the vote on the pending matter a vote on the cloture motion shall be taken. A 3/4 vote shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and is not debatable. If the motion for cloture is successful a vote on the advancement of the bill shall be taken without debate, immediately.

A motion for cloture following an unsuccessful motion for cloture shall not be in order until an additional hour of debate has passed.

A motion to suspend the rules for the purpose of cloture shall require a 3/4's vote.

Messrs. Warner and Dworak asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MR. LAMB PRESIDING

Mrs. Marsh offered the following amendment to the Beutler rule change:
Change the Beutler amendment to "2/3" where it uses "3/4".

Mrs. Marsh asked unanimous consent to withdraw her amendment. No objections. So ordered.

SPEAKER MARVEL PRESIDING

Mr. Newell offered the following amendment:

Amend the Beutler motion to amend ~~2 1/2 hrs~~ to 3 1/2 hrs.

The Newell amendment lost with 11 ayes, 7 nays, and 31 not voting.

The Beutler motion to adopt his rule change, Rule 7, new Section 5 lost with 15 ayes, 23 nays, and 11 not voting.

Mr. Beutler renewed his pending amendment to the proposed rule change, Rule 2, Section 2 found in the Journal on page 23 for the First Day.

Mr. Beutler moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Beutler requested a roll call vote.

Voting in the affirmative, 21:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
Fowler
Goll
Hoagland
Johnson, V.
Kilgarin
Kremer
Marvel
Newell
Pirsch
Stoney
Vickers
Wesely

Voting in the negative, 22:

DeCamp
Fenger
Fitzgerald
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Labedz
Lamb
Landis
Maresh
Marsh
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Von Minden
Wagner
Wiitala

Present and not voting, 1:

Koch

Excused and not voting, 5:

Clark
Dworak
Nichol
Schmit
Warner

The Beutler motion to adopt his rule change, Rule 2, Section 2 lost with 21 ayes, 22 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Beutler renewed his pending amendment to the proposed rule change, Rule 3, Section 19 found in the Journal on page 23 for the First Day.

The Beutler motion to adopt his rule change, Rule 3, Section 19 prevailed with 26 ayes, 7 nays, and 16 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 134. By Landis, 46th District; Beutler, 28th District; Wesely, 26th District.
This bill introduced on behalf of: our constituents.

A BILL FOR AN ACT to amend sections 49-1447 and 49-1466, Reissue Revised Statutes of Nebraska, 1943, and section 49-1446, Revised Statutes Supplement, 1980, relating to the Nebraska Political Accountability and Disclosure Act; to restrict the use of campaign funds as prescribed; to require an inventory of certain property; to change provisions relating to the use of unexpended funds; and to repeal the original sections.

LEGISLATIVE BILL 135. By Burrows, 30th District.
This bill introduced on behalf of: The People of the State of Nebraska.

A BILL FOR AN ACT relating to taxation; to declare intent; to define terms; to impose a tax for support of schools on adjusted gross income of individuals, corporations, trusts, and estates; to provide for determination of the tax rate; to prescribe tax rate formulas; to provide for the administration of this act; to provide penalties; to provide severability; to provide an operative date; and to repeal section 79-1335, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 136. By H. Peterson, 35th District.
This bill introduced on behalf of: Hall County Livestock Improvement Association, and citizens interested in Sunday racing.

A BILL FOR AN ACT to amend section 2-1213, Revised Statutes Supplement, 1980, relating to the State Racing Commission; to eliminate an election provision relating to Sunday horse racing; to provide considerations in authorizing Sunday horse racing; to provide powers; and to repeal the original section, and also section 2-1213.01, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 137. By Remmers, 1st District.
This bill introduced on behalf of: Motor vehicle operators & owners.

A BILL FOR AN ACT to amend sections 60-502, 60-508, 60-509, 60-524, 60-525, 60-527, 60-528, 60-533, 60-534, 60-536, 60-538 to 60-540, 60-545, 60-546, 60-553, 60-554, 60-557, 60-559, and 60-561, Reissue Revised Statutes of Nebraska, 1943, and sections 60-501, 60-505.02, and 60-556, Revised Statutes Supplement, 1980, relating to motor vehicles; to redefine terms; to remove certain methods of providing proof of financial responsibility; to increase required insurance policy limits; to require proof of financial responsibility for registration of motor vehicles; to provide penalties; to provide an operative date; and to repeal the original sections, and also sections 60-547 to 60-550.01, 60-552, and 60-562 to 60-564, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 138. By V. Johnson, 8th District.
This bill introduced on behalf of: the people of Nebraska.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, Section 7, of the Constitution of Nebraska, relating to the Legislature; to provide for the salaries of members as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 139. By Marsh, 29th District.
This bill introduced on behalf of: the Nebraska Dental Association.

A BILL FOR AN ACT relating to insurance; to authorize prepaid dental service corporations; to provide duties; to set standards for prepaid dental service corporations; to provide definitions; and to provide for severability.

NOTICE OF COMMITTEE HEARING
Public Works

LB 7	Wednesday, January 28, 1981	1:30 p.m.
LB 46	Wednesday, January 28, 1981	1:30 p.m.
LB 47	Wednesday, January 28, 1981	1:30 p.m.
LB 14	Thursday, January 29, 1981	1:30 p.m.
LB 24	Thursday, January 29, 1981	1:30 p.m.
LB 51	Thursday, January 29, 1981	1:30 p.m.
LB 22	Friday, January 30, 1981	1:30 p.m.

(Signed) Maurice A. Kremer, Chairperson

ANNOUNCEMENT

Mr DeCamp announced that the Banking, Commerce and Insurance Committee meeting will hold an organizational meeting Wednesday, January 14, 1981, at 9:10 a.m. under the north balcony.

MOTION - Rule Change

Mr. Wesely offered the following rule change:

Amendment to the January, 1981 (blue copy) Rules of the Nebraska Unicameral. Rule 3, section 15.

Sec. 15. EXECUTIVE SESSIONS AND CLOSED MEETINGS.

(a) Executive Session shall mean any meeting or portion of a meeting which is closed to the general public, and the proceedings of which are not electronically recorded and transcripted, unless the committee so provides, but the records of which shall be available for public inspection. Executive sessions shall be open to members of the news media who may report on action taken and on all discussions ~~by the committee~~ in executive session.

(b) All other meetings of a committee shall be public unless the committee, by majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to rare and extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

Mr. Newell offered the following amendment to the Wesely rule change:

In Sec. 15 sub-section (a) of the Wesely amendment after the word "media" in the next to last line insert a period & strike the balance of the language within that sub-section.

The Newell amendment lost with 4 ayes, 19 nays, and 26 not voting.

The Wesely rule change, Rule 3, Section 15 prevailed with 26 ayes, 1 nay, and 22 not voting.

VISITORS

Visitors to the Chamber were Mike and Ann Boyle from Omaha.

ADJOURNMENT

At 4:23 p.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Wednesday, January 14, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 14, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 14, 1981

Pursuant to adjournment, the Legislature met at 9:10 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins who was excused; and Messrs. Hoagland, Newell, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifth Day was approved.

MOTION - Adopt Rules

Mr. Wesely moved that the rules in effect on the 60th Legislative Day of the 86th Legislature, 2nd Session, except for Rule 2, Section 2, be adopted for today only, January 14, 1981.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

ANNOUNCEMENT

Mr. Fitzgerald announced the Nebraska Transportation Advisory Committee elected Mr. Sieck as Vice Chairperson.

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1980 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT		FEE
Lower Loup		
J. Marvin Weems	Attorney	46.00

SPEAKER'S AGENDA

Following is the tentative calendar for the Eighty-Seventh Legislature:
Days Legislature will NOT BE IN SESSION

January 21, 1981 - recess
January 22, 1981 - recess
January 23, 1981 - recess

February 13, 1981 - recess
February 16, 1981 - President's Day

March 20, 1981 - recess

April 3, 1981 - recess
April 17, 1981 - Good Friday
April 20, 1981 - recess
April 21, 1981 - recess
April 22, 1981 - Arbor Day

May 15, 1981 - recess
May 25, 1981 - Memorial Day

(Signed) Speaker Richard D. Marvel

RESOLUTION

LEGISLATIVE RESOLUTION 4. Read. Considered.

LR 4 was adopted with 27 ayes, 0 nays, and 22 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 140. By Fowler, 27th District.
This bill introduced on behalf of: Lancaster County.

A BILL FOR AN ACT to amend sections 47-302 and 47-305, Reissue Revised Statutes of Nebraska, 1943, relating to jails; to remove certain limitations on bond issues; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 141. By Fowler, 27th District.
This bill introduced on behalf of: retired teacher.

A BILL FOR AN ACT to amend sections 79-1558 and 79-1560 to 79-1562, Revised Statutes Supplement, 1980, relating to the school retirement system; to change provisions relating to supplemental retirement benefits; to eliminate an exception for eligibility; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 142. By V. Johnson, 8th District.
This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT to amend section 77-3506, Revised Statutes Supplement, 1980, relating to taxation; to increase the amount of homestead exemption as prescribed; and to repeal the original section.

EASE

The Legislature was at ease from 9:26 a.m. until 9:50 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 143. By Chambers, 11th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 39-662, Reissue Revised Statutes of Nebraska, 1943, and section 39-666, Revised Statutes Supplement, 1980, relating to rules of the road; to change speed limits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 144. By Maresh, 32nd District; Clark, 47th District.
This bill introduced on behalf of: Silver Haired Legislature.

A BILL FOR AN ACT relating to public transportation; to amend sections 19-3902, 19-3903, 19-3904, 19-3908, 19-3909, 19-3911, and 75-303, Reissue Revised Statutes of Nebraska, 1943, and section 19-3905, Revised Statutes Supplement, 1980; to restate intent; to define a term; to provide duties; to provide assistance to public purpose organizations; to provide an additional exemption from Public Service Commission regulation; and to repeal the original sections.

LEGISLATIVE BILL 145. By Nichol, 48th District.
This bill introduced on behalf of: police officers of all first class cities.

A BILL FOR AN ACT relating to cities of the first class; to establish a police retirement system as prescribed; to provide for membership; to provide for contributions; to create a fund; to authorize investments; to provide conditions for payment of benefits as prescribed; to provide for computation of benefits; to provide for funding; to exclude certain receipts from a budget limitation; to amend section 77-3424, Revised Statutes Supplement, 1980; to provide an operative date; to repeal the original section, and also sections 16-330 to 16-337, Revised Statutes Supplement, 1980; and to declare an emergency.

LEGISLATIVE BILL 146. By Public Works Committee: Kremer, 34th District, Chairperson; Beutler, 28th District; Clark, 47th District; Koch, 12th District; Wesely, 26th District; Hoagland, 6th District; Lamb, 43rd District; DeCamp, 40th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 46-656 and 46-674, Reissue Revised Statutes of Nebraska, 1943, and sections 46-657, 46-658, 46-665, and 46-666, Revised Statutes Supplement, 1980, relating to ground water; to restate intent; to redefine terms; to change provisions relating to establishment of control areas as prescribed; to authorize additional control measures; to provide duties; to rename an act; and to repeal the original sections.

LEGISLATIVE BILL 147. By Public Works Committee: Kremer, 34th District, Chairperson; Hoagland, 6th District; Beutler, 28th District; Clark, 47th District; Koch, 12th District; Wesely, 26th District; DeCamp, 40th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 46-609 and 46-656, Reissue Revised Statutes of Nebraska, 1943, and sections 46-657, 46-658, 46-666, Revised Statutes Supplement, 1980, relating to ground water; to provide requirements for wells; to restate intent; to redefine terms; to change provisions and procedures relating to control areas; to provide natural resources districts with additional powers; and to repeal the original sections.

LEGISLATIVE BILL 148. By Public Works Committee: Kremer, 34th District, Chairperson; Beutler, 28th District; Clark, 47th District; Koch, 12th District; Wesely, 26th District; Hoagland, 6th District; DeCamp, 40th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 2-1579, Revised Statutes Supplement, 1980; to provide additional considerations and conditions for the expenditure of certain funds; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 149. By Kahle, 37th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 2-3246 and 2-3248, Reissue Revised Statutes of Nebraska, 1943, relating to natural resources; to provide intent; to change provisions and procedures relating to soil erosion regulations as prescribed; to provide duties for natural resources districts and the Natural Resources Commission; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 150. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Landis, 46th District; Schmit, 23rd District; Haberman, 44th District; Labedz, 5th District; Remmers, 1st District; Fitzgerald, 14th District; Clark, 47th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 8-820, Revised Statutes Supplement, 1980, relating to banks and banking; to authorize a fee; and to repeal the original section.

LEGISLATIVE BILL 151. By V. Johnson, 8th District.
This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT to amend section 77-202, Revised Statutes Supplement, 1978, as amended by Laws 1980, LB 913, relating to property tax exemptions; to provide an exemption for improvements designed primarily for energy conservation; to define terms; to provide procedures for claiming and reviewing exemptions; to prescribe certain duties; and to repeal the original section.

UNANIMOUS CONSENT - Members Excused

Mr. Koch asked unanimous consent to be excused on Wednesday afternoon, January 14, 1981, thru Friday, January 16, 1981. No objections. So ordered.

Mrs. Marsh asked unanimous consent to be excused January 15 and 16, 1981. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 152. By Hoagland, 6th District.
This bill introduced on behalf of: the people of the State of Nebraska.

A BILL FOR AN ACT to amend sections 46-201 and 46-204, Reissue Revised Statutes of Nebraska, 1943, relating to water; to provide legislative intent; to change provisions relating to appropriations; to define terms; and to repeal the original sections.

UNANIMOUS CONSENT - Member Excused

Mr. Dworak asked unanimous consent to be excused at 1:30 p.m., January 14, 1981 until he returns. No objections. So ordered.

MOTION - Escort Governor

Mr. Kremer moved that a committee of 6 be appointed to escort the Governor to the Chamber to deliver his State of the State and Budget Message. The motion prevailed.

The Chair appointed Mrs. Marsh, Messrs. Kremer, Carsten, Clark, Warner, and Maresh to serve on said committee.

The committee returned and escorted Governor Charles Thone and Ruth Thone to the Rostrum where he delivered the following State of the State and Budget address.

Mr. President, Mr. Speaker, distinguished members of the 87th Legislature, and my fellow Nebraskans:

One hundred years ago the Governor of Nebraska was Albinus Nance. He was the 5th of our Governors. In January, 1881, at the end of his first two years in office, he stood before the Legislature. He pronounced the State of the State as sound.

Now, the 34th Governor of Nebraska is Charley Thone. In January, 1981, at the end of his first two years in office, he stands before the Legislature. His message is the same as that delivered 100 years ago: the State of the State is sound!

In 1881, the United States of America had many serious problems. Despite those national obstacles, the youthful Governor Nance believed that the State of Nebraska could grow and prosper.

As settlement advanced across the state with the development of the railroads and the influx of thousands of thrifty, hard working immigrants from Europe, the youthful Governor Nance foresaw that "as an agricultural state, Nebraska will have no superior, with a large amount of land devoted to grazing in the western part." Senator Goll reechoed the importance of our basic industry just last week when he said, "If agriculture prospers, so will main street" . . . and food becomes more and more important internationally day by day.

In 1981, the United States of America has many serious problems. Despite those national obstacles, the not-so-youthful Governor Thone believes that the State of Nebraska can grow and prosper. Without doubt, the best years are yet ahead.

Do you share my optimism?

Our faith in the strength of Nebraska is well justified. In the past year, the nation has been battered by economic storms. Yet our state has made some advances. Let me share with you preliminary figures from the State Department of Economic Development. They show that, in 1980, 22 new industries located in Nebraska—creating almost 1,300 additional jobs. They also show that 63 existing industries expanded last year—to increase their employees by nearly 1,400 people. This is good, but we can do better!

During 2 months in the last 7 for which state-by-state unemployment figures have been reported, Nebraska has had the lowest jobless rate of any state in the nation. And that is good!

One reason that Nebraska is not experiencing the worst of the national recession is the diversity of our state economy.

Another reason for Nebraska's strength is because of our tax policy. Actions of the Legislature and the Governor have left more income in the pockets of the people of this state.

In the past 2 years, we have reduced the state income tax from 18 percent of the federal tax liability to 15 percent. That means that Nebraska citizens and businesses will have more than 100 million dollars to invest and spend that otherwise would have been taken by state government.

We also provided 70 million dollars of state aid in property and other tax relief last year.

These reductions in taxes just mentioned would not have been possible had we not held the state budget to increases of 7 percent. You will recall that the only exception to that self-imposed lid occured last year with the $40 million increase to state aid to education; $20 million of which I approved, and $20 million which was passed over my veto.

Yes, the Legislature and Governor have not always agreed on precisely where restraints on state spending should be applied. Last year, I exercised my constitutional responsibility and vetoed some 54 million dollars in spending approved by the Legislature.

We have been criticized—you and I—for our actions in holding the line on state spending. We have been accused of lacking "bold new leadership." Too often, I have found, these words, "bold, new leadership," are code words for new spending programs. I submit that it requires more boldness, more courage and more leadership to do the necessary job and to maintain and support a policy of fiscal restraint.

I have every confidence that view is shared by the over-whelming majority of Nebraskans.

And, I believe, it is now shared by some of our neighboring states. Iowa, South Dakota and Minnesota didn't exhibit the fiscal restraint that Nebraska did. While Nebraska is cutting taxes, our neighbors are in deep trouble. Because of lack of revenue they are having to make drastic cuts in funds already appropriated by their Legislatures and approved by their Governors.

The budget I submit to you today is consistent with the philosophy of fiscal prudence I have described. It is within the 7 percent operating increase we have adopted the past two years. Let's remember that 7 percent is the limit the Legislature has imposed on local governments. A lid which I support, if there be any question about it.

Hard work and even harder decisions underlie the budget I recommend to you. It is a pretty austere budget. It is, nevertheless, a budget which carries forward every necessary service. It even provides for improvement in some priority programs.

Those groups and individuals who demand an open door to the state treasury will be disappointed. I repeat what I said last year: "Government is not, never was, and cannot be all things to all people. Our budgetary task, difficult as it is, is to allocate the limited resources available with wisdom and self-restraint."

My budget recommendations are based on forecasts recently completed by the Department of Revenue and shared with your Appropriations Committee. These forecasts necessarily reflect economic uncertainties. The unknowns include 1981 congressional action on federal income tax reductions. My budget maintains the current state income tax rate just reduced to 15 percent last

November. My budget maintains the current sales tax rate of three percent. This no tax increase, but very adequate budget, must be one of your top priorities for this session, I strongly urge. I assure you it will be one of mine.

I now renew my request of last year—that the State Board of Equalization be given the authority to set sales and income tax rates in smaller increments. Flexibility is needed to fine-tune our revenue system. And, by the way, thank you for giving the Tax Commissioner and the State Board of Equalization the tools and money to pretty much straighten out the property tax valuation mess our administration inherited.

As I forewarned last year, the federal revenue-sharing program for state governments has been terminated. Its prospects for new life are bleak. This budget necessarily replaces those federal dollars with state General Fund dollars.

It will not be my policy, however, to recommend General Fund dollars to offset all lost federal funds. State government is under severe fiscal pressures. On the one hand, there will be growing demands for the state to take over expiring federal programs. But on the other hand, there will be even faster growing demands for more state assistance to local governments. Economic conditions and our limited state resources require that we respond prudently and with great caution.

The budget I am presenting anticipates net receipts to the General Fund during fiscal 1982 of 721.9 million dollars. Fiscal 1981 ending clear balances, minus anticipated deficits and transfers, including anticipated lapses, are estimated at 37.9 million dollars. Those 2 figures provide a General Fund total of 759.8 million dollars in Fiscal 1982.

To offset any shortfall in projected revenue receipts, I recommend a 5 percent General Fund reserve.

Of the total General Fund budget of 721.2 million dollars, I recommend 706.7 million dollars for state operations and state aid.

Included in the state operating and aid budget are 383.8 million dollars—or 54.3 percent of the total—for state aid to local subdivisions and aid to individuals. Some 167.3 million dollars—or 23.7 percent—is for post-secondary education. That leaves 155.6 million dollars—or just 22 percent of the total—for all other operations of state government.

My General Fund recommendation for capital construction is 14.5 million dollars. I recommend continuing funding for projects for which partial appropriations have previously been provided. I support continuation of the LB 309 program for deferred building maintenance, handicapped access, and energy-related projects.

Moreover, I recommend and have provided funding for the development of six-year comprehensive master plans by the University of Nebraska, the state colleges, and the Department of Administrative Services. Such planning is necessary to insure adequate utilization of existing buildings. It will permit better evaluation of requests for new facilities.

I suggest your cautious appraisal of all proposed new or expanded programs that are set before you. Particularly, I urge you to insist on having the full annual costs of such programs accurately computed and widely disseminated. Future budgets and budgetary planning will depend heavily on decisions made this year.

Last year, I reported to you that the administration would seek improvement in competitive salary levels through pay grade and classification revisions and adjustments. On the basis of its salary survey, the State Department of Personnel adopted as its first priority the revision of state workers in the labor, trades and crafts area. As a result of this review, which encompassed almost 10 percent of the non-postsecondary education work force, the first reclassification and commensurate pay increases of a major occupational category were accomplished.

The Department of Personnel is now preparing a new pay and job classification system which reduces the total number of pay grades. This new pay and classification system will be ready for implementation July 1, 1981. My recommendations include authorizing state agencies to use no more than 2 percent of their personal services budgets for conversion to the new pay and classification plan. This 2 percent will be made available by savings through the hiring freeze and other reductions made by state agencies.

I also recommend for your approval an 8 percent increase in state employees' salaries effective July 1, 1981. Later, I shall recommend that the state undertake the major portion of any additional premiums necessary under the state employees' health plan. For 3 years there has been no increase in premiums. The Director of the Department of Insurance is now requesting bids on the health plan. When this process is complete, I shall inform you and deliver my recommendations.

Our postsecondary education institutions do not participate in this health plan. I therefore included in my budget an increase of 8 percent for salaries and wages for the University of Nebraska and the state colleges, and an additional 1 percent for salary or benefit improvement.

Last year I indicated to you some progress in efforts to limit growth in the number of state employees. On July 1, 1980, I ordered agencies under my direct control to implement a hiring freeze. Other boards, agencies and commissions were requested to comply voluntarily. The past 6 months have brought a net reduction in permanent full-time positions of more than 700. Those reductions were achieved even while opening and staffing the new veteran's hospital in Omaha. Quality and less quantity must still be the goal on state employment.

A hiring freeze by its very ntaure is unselective. We have exempted from the freeze most positions involving direct care of patients or supervision of prisoners. Overall, state employees have responded admirably to the burdens of the hiring freeze. Some of the dollars saved have been and should be reallocated to improve salaries and benefits. The new pay and classification plan recommended today will, in large part, accomplish this objective.

In this budget you will find additional staff recommended for the new maximum security prison in Lincoln and the expansion of the Omaha Veteran's Hospital. The completion of the Omaha Correctional Center will place additional employees on the state payroll. We will attempt to meet these new demands without a net increase in the number of state employees.

I strongly endorse legislation tightening the procedure for dealing with persons acquitted of crimes by reason of insanity. Specifically, judges should retain jurisdiction over such persons.

All Nebraskans share my pride in our institutions of higher education: The University of Nebraska, Nebraska's state colleges, and the vocational-technical system. Their contributions to the present and the future are recognized and appreciated by us all. Indeed, support of post-secondary education is one of the largest areas of expenditure made by state government. And contrary to some pretty much localized reports, it is just not true that Nebraska has not adequately supported post-secondary education in this administration. We most certainly have and we continue to do so in this budget.

This year, I recommend a 12.8 percent increase for the University of Nebraska—from 128.2 million dollars to 144.6 million dollars—an increase of 16.4 million dollars. As in the past, I recommend that this appropriation be made in lump sum to afford the regents the opportunity to address the university management and program priorities within a systems-wide approach.

In developing this recommendation, recognized university cash balances were not used to offset General Fund support; and cash and federal fund estimates were left unchanged. In addition to increased funding for clinical and instructional services at the medical center, I recommend 150,000 dollars of State General Fund support for continuation of research activities at the Eppley Institute. Continuation of state funding for such research should be contingent on Eppley Center's demonstration that it can attract and maintain a quality staff and additional sources of funding.

Adequate computer facilities and services at the university are essential for instruction research support and administration. It is my recommendation that the regents make every effort, within funds provided, to place its computer facilities on a proper and solid foundation.

At the Institute for Agriculture and Natural Resources, my recommendations provide for additional instruction and research activities in the areas of agricultural biochemistry and international agricultural marketing.

Consistent with my overall policy on capital construction, my recommendation for the university includes funding for fire and life safety and minor renovations. My budget also includes funding for the incinerator project at the medical center. No new major construction projects are recommended at this time.

For our state college system with campuses at Peru, Wayne, Chadron and Kearney, I recommend an 11.4 percent increase, or a 2.3 million dollar increase. I propose that 2 percent of the personal services budget appropriated to the Board of Trustees be used to address inter-campus salary differences.

Further, at Chadron, planning funds are provided through the design-development phase for the new activities center. At Kearney, funding is recommended at the requested level for the renovation of the A. O. Thomas Building.

The fiscal 1982 recommended appropriation for the technical community colleges is 10.6 percent, or 1.9 million additional dollars.

Nebraska's Educational Television network provides a rich variety of educational and cultural opportunities not otherwise available. My recommendations include a 19.1 percent increase for NETV to provide for needed equipment replacement. In addition, I recommend the requested Microwave Interconnect Project; and, I recommend that any savings from the North Platte transmitter project be used for additional equipment replacement.

Many of you have heard me suggest on other occasions that because we are limited in our resources does not require that we be limited in our resourcefulness. An example of that is contained in this budget in a 7-point program. It would improve the economic climate of our state by developing new markets and expanding opportunities for more jobs. The Nebraska Development Council will be supported by the University of Nebraska, State Department of Agriculture, Department of Economic Development and other state agencies. The council will seek to increase international trade, assist existing industry in the state, "market" the Nebraska economy both at home and abroad, provide training for new and existing industry, offer technical assistance to Nebraska communities for commercial development, and provide a program of research in new uses for farm crops.

My 1979 agricultural marketing trip to Europe convinced me of the need for us to have our own Nebraska office in western Europe. Perhaps it should be located with the Frankfurt, Germany office of the Old West Regional Commission. Similarly, I believe we should contract for a Nebraska representative in the far east, most likely in Tokyo.

This 715,000 dollar investment in agricultural marketing will pay generous dividends in the future. If we expect others to invest in Nebraska, surely we can do no less.

My recommendation for local sub-divisions of government provides for 70 million dollars for the personal property tax exemption program recently set aside by the Nebraska Supreme Court. On the final day of last year's legislative session, your body passed and sent to me LB 882. LB 882 made positive changes under the then current law and formula embodied in LB 518, passed in 1977 before I took office, for distributing state funds replacing local revenues lost through the exemption of various categories of personal property. LB 518 was at that time under constitutional challenge, and it was hoped that LB 882 would meet those objections. Rejection of LB 882 would, in my opinion at that time, have most certainly led to the successful challenge of LB 518 or to a special session of the Legislature. Hence, I signed LB 882.

I realize that all of you share my concern and sense of urgency in devising a solution to this most difficult problem. But, it is essential, let me repeat, it is essential—that a solution be quickly arrived at that allows for distribution of these badly needed funds not only this year but in future years as well. In directing local governments to operate within narrow fiscal constraints, and pledging the same ourselves, it is unthinkable that uncertainty over the distribution of such a large revenue source will continue long into the future.

There is no doubt that this will not be an easy task. Agreement on a fair and reasonable distribution formula will be most difficult to achieve even among men and women of common sense and good will such as yourselves. But we jointly, the Governor and the Legislature, have the responsibility for acting on this matter responsibly, with good judgment and with all possible speed.

Water continues to be an issue of vital importance to our state. During the coming months I intend to continue to emphasize and look for new ways to bring about water conservation from all our water sources, be it soil moisture, precipitation, streamflow, storage reservoirs or our ground water reservoirs.

In 1979, I formed the Interagency Water Coordinating Committee (IWCC) composed of ten state and university department heads with the Governor as chairman, to better coordinate water policy planning and water management issues in Nebraska. By a brief review of the minutes of the first 13 meetings, it is obvious that communication between department heads and agency employees who can and must work closely together has taken place.

For the first time, we have a management structure to get water agency heads with diverse responsibilities and points of view to sit down together and hash out those differences. It has been a very beneficial experience for all involved, and, as the Natural Resources Commission led policy issue analysis reports directed by this Legislature come through the commission I will have the personal input and views of each agency head to consider and carry out policy decisions on the key water resources issues facing Nebraskans in the decade of the 80's. You will find in my recommendations 446,683 dollars for the third phase of your five-year ordered water planning process.

On December 19, 1980, I made a major water supply and conservation proposal to the Natural Resources Commission, that proposal, which I am recommending to you today, would involve the dedication of 2 cents of the state cigarette tax for natural resources projects and certain project planning purposes. In addition, I will soon announce the appointment of a natural resources coordinator as recommended by the government improvement task force.

"The public interest demands the implementation of management practices to conserve ground water supplies and to prevent the inefficient or improper use thereof ..." I fully endorse and concur with that quote from section 46-656 of our 1975 Nebraska Ground Water Management Act. Our 24 Natural Resources Districts were given the responsibility to prevent irrigation water runoff and waste.

I believe it is time to take another step and assess state policy—to conserve our underground water supplies and manage our uses of underground water—by taking an inventory of how far along our NRD's are in ground water conservation. I am going to ask NRD boards and managers if they would be willing to report to me on their actions and progress through annual reports in 1981 and 1982 to my natural resources coordinator.

I'm not sure how effectively our NRD boards and staff have implemented this ground water conservation policy over the past five years. I am pleased that the responsibility was given to the local level, and I'm now interested enough to take the leadership to find out how well they are administering the 1975 policy. I would also ask that you now give the Natural Resource Districts authority upon vote of the people to create interim control areas before serious water decline occurs, during which time the district would gather data on the scope of its water problem.

I am pleased that the state water planning process has produced its final report on water quality. Senator Kremer, Chairman of your Public Works Committee, has informed me that legislation will be considered during the current session as a result of that report. A sound water quality bill allowing for creation of a control area to combat water pollution problems will have my support. As each of the remaining reports are completed, we will obtain all of the facts needed for sound decision-making on water issues. That will be the time for definitive legislation on water.

I intend to continue my strong support of our state's Natural Resources District system. It has long been my firm belief that local water problems can best be handled at the local level.

Nebraska irrigates 7,637,190 of 23,000,000 acres of cropland, and 85% of irrigation is from gound water. Serious problems have obviously developed. There are also conflicts between surface and ground water interests and users, and there is obviously physical interrelationship between surface and ground water. The final instream flow study and the ground water reservoir management study from the NRC will be ready October first and November first respectively of this year. A careful review by me indicates that major water law overhaul by you before you get the results of your own near two million dollar ordered studies is just not wise. A hard look now at protecting selected stream flows and adopting a sustained yield concept is most inviting, I concede. Proper water management and conservation are essential to our continued economic prosperity.

Replacement of our current bicentennial issue of state motor vehicle license plates is necessary. I recommend a $280,000 deficit appropriation in this fiscal year and 2 million dollars next fiscal year. This will permit the start of production so new license plates can be issued beginning January 1, 1982, as currently provided by law.

Necessary provision for state human resource services is a major consideration in my budget. Human resources covers many areas of state services. It is my intention to draw planning and coordination of these diverse services more closely together as recommended by the government improvement task force by naming a coordinator of human services. Significant benefits in service management, delivery, and access should result from this effort.

An increase in the aid to families with dependent children from the current 270 dollars per month for the first dependent child to 280 dollars per month is recommended. Also recommended are corresponding increases in the level of maintenance payments for foster children and the subsidized adoption program.

In the area of community mental retardation, my recommendations include 850,000 dollars to support movement of an additional 80 residents from the Beatrice Developmental Center and 750,000 dollars to continue services to those placed in community programs through proposals approved in the past year. Barring further federal roadblocks, medicaid funds will be available next year to support further deinstitutionalization. In addition, I recommend aid for continuation of community programs in lump-sum to the Department of Public Institutions. I will report to you at a later date my region-by-region recommendation, based upon the recently completed Touche-Ross Report. I hope also to report to you a conclusion to the lengthy Beatrice court suit. These important programs need to move forward under an agreed-upon plan.

My recommendations in mental health include the closure of the Norfolk Regional Center on which your Interim Health and Welfare Committee indicated concurrence. Closure of the Norfolk Regional Center is merited and will result in savings of more than 2 million dollars annually. Such savings would be available to enhance programs in our fine community mental health system.

To comply with a long-standing understanding, I also recommend that the statutory level of the Nebraska Veteran's Aid Fund be increased by 500,000 dollars to 11.5 million dollars, effective July 1, 1981, with a further 500,000 dollars to be added on July 1, 1982. The interest from this fund is used to provide grants to Veterans in need of short-term assistance.

The Department of Correctional Services continues to build upon the foundation of correctional reform laid out by the Legislature in LB 417 six years ago. The new Lincoln maximum security prison should be open by midsummer. Groundbreaking for the new Omaha Correctional Center should take place in early fall, 1981. My budget recommendation for the Department of Correctional Services provides a General Fund increase of 10.8%. In large part, this increase reflects the cost of additional staffing for the new maximum security facility. Also included in this recommendation is 25,000 dollars to expand vocational education opportunities for adult offenders and 60,000 dollars to improve opportunities offered in the Work Release Program.

Last year, on this occasion, I placed special emphasis on improving state government to achieve greater accountability to the public. Greater responsiveness and greater efficiency. On September 26, 1980, Earl Luff and 54 distinguished Nebraskans delivered to me a hard-nosed report. That document set in motion a number of initiatives which will have a profound and beneficial impact on the way we manage state government. It's time to shift back from

Washington some of the programs rightfully belonging to states, but we must modernize and streamline state government to be able to most efficiently administer these programs. State responsibility, rather than just a cry of states rights, is the key here. And, economy and efficiency is a state constitutional mandate and of high priority in this administration.

By executive action I have already implemented some of the task force recommendations. In the months ahead, I will act upon many more. Speaker Marvel, Senator DeCamp and other senators are working on at least a score of legislative bills dealing with task force recommendations. To name only a few: establishment of a biennial appropriations cycle: a thorough forecasting of costs of new programs: consolidation of administrative support for an array of licensing functions: and strengthening of the Governor's accountability to the public by having additional agencies report directly to the chief executive.

I urge the Legislature to give favorable consideration to legislation to provide a new source of credit for hard-pressed farmers and ranchers. The proposed tax-exempt agricultural development revenue bonds could do a great deal to help preserve the family farm.

Faced with unstable farm prices and record inflation, Nebraska's agricultural sector is more heavily dependent than ever on the availability of farm credit at affordable rates. Agricultural development revenue bonds have demonstrated their effectiveness in Louisiana, Oklahoma and Alabama; and the Iowa Legislature recently authorized their use.

The bonds are secured by and payable from a portfolio of farm loans which are used to purchase land, buildings, equipment, machinery and livestock. Issued by the state, as mortgage revenue bonds now are, agricultural development revenue bonds are repaid from program revenues. No funds or revenues of the state are required to repay the bonds or to defray the expenses of issuance or servicing.

The success of the Nebraska mortgage finance fund is now widely accepted. The fund was created as a method of tapping the tax-exempt financial markets to obtain low cost capital to finance the purchase of single family housing by low and moderate income families.

The fund has the potential to provide further assistance to low income persons who have no other hope of buying homes in today's economy. To realize this potential, I recommend that the Legislature increase the authority of the fund in three areas: 1. Expand the Governmental Cooperation Powers to take maximum benefit of both present and future housing dollars. 2. Authorize the fund to use its borrowing authority to finance rental housing for low and moderate income persons, particularly the elderly. I am advised that today there is virtually no source of long-term capital to finance housing for such persons. Statewide, apartment vacancy rates, which averaged from 5 to 10 percent throughout the 70s are now significantly lower. When vacancy rates drop, rents rise and low income persons and the elderly are forced to vacate. I want to stress that the fund would remain strictly a financing vehicle. It would not own, build or manage housing. 3. Authorize the fund to provide rehabilitation financing for housing which fails to meet fire and safety standards and is energy inefficient. The fund is in a unique position to work with towns and cities to enable them to leverage their community development block grant moneys to increase by tenfold the number of low and moderate income persons who can be assisted.

Turning to the subject of unemployment compensation, Senator Hefner has discussed with me his bill to limit it to those who are unemployed through no fault of their own. I endorse this concept enthusiastically and urge the Legislature to take prompt action.

I also support legislation that would make the Attorney General, rather than the Legislative Counsel, responsible for the preparation of the explanatory language which accompanies proposed constitutional amendments placed on the ballot by the Legislature. As you know, the Attorney General already does this for amendments proposed by initiative petition. This change was unanimously recommended by the state board of canvassers. If it is adopted, the proposal would help avoid repetition of the confusion which last year surrounded the meaning of proposition 4.

Last year, the Jail Standards Board proposed local jail standards. They were approved by me, except for one standard dealing with the design of existing jails. I declined to approve that standard because it entailed a projected cost of 6 million dollars or more. The remodeling costs would have fallen solely and unfairly on local governments. I felt that spending lid would, in many cases, impede local officials from complying. The mandate to create jail standards came from the Legislature. It was, and is, my feeling that the Legislature should also provide a state share of the costs to local governments for bringing existing jails up to state standards.

When I addressed you a year ago, petroleum was in much shorter supply than it is today. The war between Iraq and Iran gives us prospects for shortages and even higher energy prices later in 1981. Therefore, we must continue and increase our efforts to conserve energy and turn to alternative fuels.

The people of Nebraska are doing a good job of conservation. They used about 9 percent less gasoline in 1980 than in 1979.

In the past 2 years, the amount of gasohol sold in Nebraska has increased by more than 6 times--and the number of service stations offering gasohol has grown by more than 7 times.

Early in 1980, I was the first Governor to order that all state automobiles use gasohol exclusively. And, since August, 2 Nebraska State Patrol cars have been driven using only straight alcohol. In 1981, we will convert additional state cars to operate on alcohol only.

Present Nebraska law provides that the Legislature should review its partial state gasoline tax exemption for gasohol whenever the use of the fuel in the state exceeds 20 million gallons annually. In 1980, the gasohol use was about 35 million gallons. I recommend that the law be changed, in order not to discourage alcohol producers from locating in our state.

In Nebraska, there are at least 50 sites where electricity was once provided through water power. It is again becoming economical to produce hydro-power through low-head dams. Therefore, I recommend enactment of legislation to allow Nebraska Municipalities to band together for financing of such power plants.

Under a federal program, the Nebraska Energy Office has for the past 17 months been performing energy audits on buildings such as schools and hospitals.

Results show that by following operation and maintenance recommendations of these audits, 20 percent of the energy costs can be saved, without any investments. Most state buildings are not eligible under this federal program. I am directing agencies under the Governor's control to request these audits and pay for them. Since these audits will pay for themselves through decreased energy use in a few months, no General Fund money need be budgeted for this activity.

Other details of my budget proposals will be found in the executive budget document which has been furnished you. I welcome--indeed, solicit--your careful consideration. I renew the invitation I extended to each member of the Legislature two years ago to call on me to discuss issues of concern. Let's work together. Like Governor Nance, I view "with pleasure the kindly relations which I have sustained toward those who occupy official positions throughout the state."

In the coming months, I hope we can work together very closely and harmoniously.

When Governor Nance addressed the Legislature a century ago, not more than a tenth of Nebraska's 48 million acres were under cultivation. Only a third of the state was populated. One hundred years is not a long time by many standards, but most of Nebraska's development has taken place in that period. When we reflect on the beneficial changes that have taken place since January, 1881, we can rejoice. We can renew together our commitment of service. We can vow to make the next years ones of even greater growth and development for our state.

It won't be an easy task. It will require wisdom and courage. Let us then, with the author of the old hymn, ask our creator to grant us wisdom, grant us courage, for the living of this hour, for the living of these days.

The committee escorted the Governor and Mrs. Thone from the Chamber.

EASE

The Legislature was at ease from 10:56 a.m. until 11:18 a.m.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

LB 57	Monday, January 19, 1981	1:30 p.m.
LB 60	Monday, January 19, 1981	2:00 p.m.
LB 71	Monday, January 19, 1981	2:00 p.m.
LB 92	Monday, January 19, 1981	2:15 p.m.
LB 113	Monday, January 19, 1981	2:45 p.m.

(Signed) John W. DeCamp, Chairperson

ANNOUNCEMENT

Mr. DeCamp announced the Banking, Commerce and Insurance Committee elected Mr. Haberman as Vice Chairperson.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 153. By Sieck, 24th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3422, 77-3423, and 77-3424, Revised Statutes Supplement, 1980, relating to revenue and taxation; to change a budget limitation; to state intent; to create a fund; to provide for distribution; to repeal the Local Option Revenue

Act; to repeal the original sections, and also sections 77-27,143 to 77-27,148, Reissue Revised Statutes of Nebraska, 1943, and sections 77-27,142 and 77-27,142.01 to 77-27,142.05, Revised Statutes Supplement, 1980; and to declare an emergency.

LEGISLATIVE BILL 154. By Wesely, 26th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to loan brokers; to provide definitions; to regulate practices by loan brokers; to provide duties; to establish penalties; and to provide for severability.

LEGISLATIVE BILL 155. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to amend section 60-115, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to change provisions relating to the disposition of a fee; to create a fund; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 156. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to amend section 68-613, Revised Statutes Supplement, 1980, relating to social security; to change provisions relating to withdrawals from the Contribution Fund; and to repeal the original section.

LEGISLATIVE BILL 157. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to amend section 80-401, Revised Statutes Supplement, 1980, relating to the Nebraska Veterans' Aid Fund; to increase such fund; to provide for appropriations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 158. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT relating to energy audits; to create a fund and prescribe its use.

LEGISLATIVE BILL 159. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT relating to water conservation and development; to create a fund and specify the use and source thereof; to amend section 77-2602, Revised Statutes Supplement, 1980; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 160. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to make an appropriation to provide for the payment of salaries of members of the Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the period of July 1, 1981, to June 30, 1982; and to declare an emergency.

LEGISLATIVE BILL 161. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to appropriate funds for the payment of the salaries of the officers of Nebraska State Government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the year ending June 30, 1982; and to declare an emergency.

LEGISLATIVE BILL 162. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to make appropriations for the expenses of Nebraska State Government for the year ending June 30, 1982; to repeal section 3, Legislative Bill 184A, Eighty-sixth Legislature, First Session, 1979; and to declare an emergency.

LEGISLATIVE BILL 163. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to acknowledge and reaffirm appropriations previously made; to appropriate and reappropriate funds; to amend Laws 1980, LB 1000, sections 2, 4, and 5, and Laws 1980, LB 1001, section 42; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 164. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to make appropriations for capital construction projects; to provide severability; to repeal Laws 1980, LB 1001, section 5; and to declare an emergency.

LEGISLATIVE BILL 165. By Lamb, 43rd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 79-1103.05, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for the payment of high school tuition by the State Department of Education as prescribed; and to repeal the original section.

LEGISLATIVE BILL 166. By Hoagland, 6th District.
This bill introduced on behalf of: The Omaha City Council.

A BILL FOR AN ACT to amend section 26-112, Reissue Revised Statutes of Nebraska, 1943, relating to municipal courts; to raise certain fees of the municipal court; and to repeal the original section.

UNANIMOUS CONSENT - Member Excused

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 167. By Revenue Committee: Carsten, 2nd District, Chairperson; H. Peterson, 35th District; Wagner, 41st District; Newell, 13th District; Hefner, 19th District; V. Johnson, 8th District; Kahle, 37th District; Burrows, 30th District.
This bill introduced on behalf of: Department of Revenue.

A BILL FOR AN ACT relating to interest; to amend sections 39-1647, 66-416, 66-621, 66-623, 66-625, 77-631, 77-666, 77-1005, 77-1348, 77-1859, 77-2618, 77-2708, 77-2709, 77-2788, and 77-2794, Reissue Revised Statutes of Nebraska, 1943, and sections 57-919, 77-207, 77-412, 77-1718, 77-1809, 77-1824, 77-1917, 77-2010, and 77-2102, Revised Statutes Supplement, 1980; to change certain provisions relating to rates of interest charged by the state and its political subdivisions on delinquent payments; and to repeal the original sections.

LEGISLATIVE BILL 168. By Revenue Committee: Carsten, 2nd District, Chairperson; H. Peterson, 35th District; Wagner, 41st District; Newell, 13th District; V. Johnson, 8th District; Kahle, 37th District; Burrows, 30th District.

This bill introduced on behalf of: Nebraska Association of County Officials.

A BILL FOR AN ACT relating to mobile homes; to amend sections 60-302 and 77-1238, Reissue Revised Statutes of Nebraska, 1943, and sections 77-1239, 77-1239.03, 77-1240.05, 77-1240.06, 771241, and 77-3502, Revised Statutes Supplement, 1980; to provide a duty for the Department of Revenue and county officials; to provide assessment stickers for mobile homes; to change provisions relating to motor vehicle permits for mobile homes; to redefine a term; to change provisions relating to personal property taxation; to provide a penalty; to repeal the original sections, and also sections 60-1604, 60-1608, and 60-1610, Reissue Revised Statutes of Nebraska, 1943, and sections 60-1602, 60-1603, and 60-1605, Revised Statutes Supplement, 1980; and to declare an emergency.

LEGISLATIVE BILL 169. By Hefner, 19th District.
This bill introduced on behalf of: Revenue Committee.

A BILL FOR AN ACT to amend sections 3-148 and 3-149, Reissue Revised Statutes of Nebraska, 1943, relating to aircraft; to change provisions relating to the taxation of aircraft motor fuels; to remove a refund provision; to provide an operative date; and to repeal the original sections, and also section 3-150.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 170. By V. Johnson, 8th District.
This bill introduced on behalf of: Department of Revenue.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 66-633, Reissue Revised Statutes of Nebraska, 1943, and section 77-2711 and 77-27,119, Revised Statutes Supplement, 1980; to provide for the collection of nonresident delinquent taxes as prescribed; to change provisions relating to confidentiality of records; and to repeal the original sections.

LEGISLATIVE BILL 171. By L. Johnson, 15th District.
This bill introduced on behalf of: cities of first class.

A BILL FOR AN ACT to amend section 16-691, Revised Statutes Supplement, 1980, relating to cities of the first class; to authorize the use of facsimile signatures by members of the board of public works; and to repeal the original section.

ANNOUNCEMENT

Speaker Marvel announced that noon, Friday, January 16, 1981, be the cut-off date for bills going to the Bill Drafter for introduction within the 10 day period (January 20, 1981).

RECESS

At 11:31 a.m., on a motion by Mr. Kahle, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, Messrs. Cullan, Fowler, Koch, R. Peterson, Remmers, Schmit, Sieck, Wagner, Warner, and Wiitala who were excused until they arrive.

NOTICE OF COMMITTEE HEARINGS

Public Works

LB 52	Friday, January 30, 1981	10:30 a.m.
LB 64	Friday, January 30, 1981	10:30 a.m.
LB 69	Friday, January 30, 1981	1:30 p.m.
LB 8	Wednesday, February 4, 1981	1:30 p.m.
LB 109	Wednesday, February 4, 1981	1:30 p.m.
LB 110	Wednesday, February 4, 1981	1:30 p.m.
LB 34	Thursday, February 5, 1981	1:30 p.m.
LB 79	Thursday, February 5, 1981	1:30 p.m.
LB 35	Friday, February 6, 1981	1:30 p.m.
LB 98	Friday, February 6, 1981	1:30 p.m.

(Signed) Maurice A. Kremer, Chairperson

REPORT

Received annual report from the Nebraska Commission on the Status of Women.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 172. By Carsten, 2nd District; Warner, 25th District.
This bill introduced on behalf of: Department of Revenue.

A BILL FOR AN ACT to amend sections 66-404, 66-410.06, and 66-609, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410.04, 66-474, 66-475, 66-476, 66-605.02, and 66-605.03, Revised Statutes Supplement, 1980, relating to taxes on motor vehicle fuels; to change provisions relating to the establishment of rates; to change provisions relating to the payment of motor fuel taxes; to change provisions relating to security requirements for dealers; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 173. By Warner, 25th District.
This bill introduced on behalf of: Lancaster County Commission.

A BILL FOR AN ACT to adopt the Conservation and Preservation Easement Act; and to provide for severability.

LEGISLATIVE BILL 174. By Fenger, 45th District.
This bill introduced on behalf of: Nebraska Peace Officers Association.

A BILL FOR AN ACT relating to obsolete statutory language; to amend sections 47-114 and 54-724, Reissue Revised Statutes of Nebraska, 1943, and section 60-556, Revised Statutes Supplement, 1980; to repeal a provision requiring the posting of certain rules; to eliminate a duty for sheriffs; to change certain provisions relating to livestock; to eliminate a provision relating to removal from office of certain peace officers and law enforcement officers; to repeal the original sections, and also section 47-103, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 175. By Fenger, 45th District.
This bill introduced on behalf of: City of Omaha.

A BILL FOR AN ACT to amend section 28-801, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to eliminate a provision for citation in lieu of arrest; to change a penalty; and to repeal the original section.

MOTION - Rule Changes

Mr. Chambers offered the following amendment:

Amend Rule 1:

1. sec. 2 - strike "Chaplain" (p. 1)
2. strike sec. 21 (p. 7)

Mr. Dworak offered the following amendment to the Chambers amendment:

Amend Chambers amendment by adding in:

Rule 1 Sec. 2 strike Chaplain and insert Chaplain Coordinator

Mr. Goodrich asked unanimous consent to be excused until he returns. No objections. So ordered.

The Dworak amendment prevailed with 33 ayes, 3 nays, and 13 not voting.

Mr. Dworak offered the following amendment to the Chambers amendment:

Amend the Chambers amendment by inserting new language in:

Rule 1 Sec. 21 delete all wording and add Chaplain Coodinator. The Chaplain Coordinator shall work in conjunction with Organized Nebraska Groups of Clergy to arrange for prayer at the beginning of each day of the Legislative Session.

The amendment prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Dworak asked unanimous consent to have his name added as a co-introducer to the Chambers amendment. No objections. So ordered.

Mr. Chambers asked unanimous consent to withdraw his name from the amendment. No objections. So ordered.

The Dworak amendment, as amended, prevailed with 28 ayes, 2 nays, and 19 not voting.

Mr. Chambers offered the following amendment:

AMEND RULE 1:

1. sec. 8 - strike last sentence. (p. 3)

The amendment prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Chronister asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Chambers offered the following amendment:
AMEND RULE 2:
1. sec. 3(c) strike all language. (p. 9)

The amendment lost with 1 aye, 23 nays, and 25 not voting.

Mr. Chambers offered the following amendment:
AMEND RULE 3:
1. sec. 12 - after "resolutions" in the 5th line, put a period; strike remainder of sentence. (p. 19)

The amendment lost with 1 aye, 10 nays, and 38 not voting.

Mr. Chambers offered the following amendment:
AMEND RULE 5:
1. sec. 4 - after "personally", place a comma and add, "with the exception of committee bills."

The amendment prevailed with 25 ayes, 4 nays, and 20 not voting.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

LB 85	Wednesday, January 28, 1981	10:30 a.m.
LB 30	Wednesday, January 28, 1981	2:00 p.m.
LB 37	Wednesday, January 28, 1981	2:00 p.m.
LB 31	Wednesday, February 4, 1981	2:00 p.m.
LB 33	Wednesday, February 4, 1981	2:00 p.m.
LB 58	Wednesday, February 4, 1981	2:00 p.m.

(Signed) David Landis, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 176. By Newell, 13th District.
This bill introduced on behalf of: Building Trade Unions of Nebraska AFL-CIO

A BILL FOR AN ACT to amend section 48-628, Revised Statutes Supplement, 1980, relating to the Employment Security Law; to change provisions relating to disqualification for benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 177. By Revenue Committee: Carstens, 2nd District, Chairperson; V. Johnson, 8th District; Kahle, 37th District; H. Peterson, 35th District; Newell, 13th District; Burrows, 30th District; Wagner, 41st District; Hefner, 19th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 77-3422, 77-3423, and 77-3424, Revised Statutes Supplement, 1980, relating to revenue and taxation; to change provisions relating to budget limitations on political subdivisions; and to repeal the original sections.

LEGISLATIVE BILL 178. By Revenue Committee: Carsten, 2nd District, Chairperson; H. Peterson, 35th District; Wagner, 41st District; Newell, 13th District; V. Johnson, 8th District; Kahle, 37th District; Burrows, 30th District; Hefner, 19th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to taxation; to amend sections 66-416, 66-628, and 77-2712, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to collection of the motor vehicle fuel tax; to change provisions relating to collection of the special fuel tax; to provide duties for the Tax Commissioner; to change provisions relating to the collection of sales and use taxes; and to repeal the original sections.

LEGISLATIVE BILL 179. By Revenue Committee: Carsten, 2nd District, Chairperson; V. Johnson, 8th District; Kahle, 37th District; Newell, 13th District; Burrows, 30th District; Wagner, 41st District; Hefner, 19th District; H. Peterson, 35th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to taxation; to amend sections 76-214, 77-652, 77-801, 77-1242.01, 77-1320.04, 77-2703, 77-2708, and 77-2712, Reissue Revised Statutes of Nebraska, 1943, and sections 23-927.01, 77-202.03, 77-603, 77-625, 77-1303, 77-1701, 77-2702, 77-3505, and 77-3507, Revised Statutes Supplement, 1980; to change certain dates; to change filing procedures; to authorize a refund; to change certain exemptions; to change record-keeping procedures; to authorize the waiver of a penalty; to clarify certain language; to define and redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 180. By Landis, 46th District.
This bill introduced on behalf of: LR 276 Committee.

A BILL FOR AN ACT to amend sections 23-1206, 25-1223, 25-1230, 25-1232, 25-1524, 25-1542, 25-1548, 25-2202, 29-407, 29-2529, 29-2815, 39-6,104.06, 39-6,104.07, 49-801, 71-606, 71-1612, and 83-1011, Reissue Revised Statutes of Nebraska, 1943, and sections 71-605 and 71-605.04, Revised Statutes Supplement, 1980, relating to law enforcement; to adopt the Nebraska Forensic Medical Examiner Act; to provide an operative date; and to repeal the original sections, and also sections 23-1210, 23-1803, 23-1805, 23-1807, 23-1810, 23-1813, 23-1814, and 23-1818, Reissue Revised Statues of Nebraska, 1943, and sections 23-1801, 23-1802, 23-1804, 23-1806, 23-1809, 23-1811, 23-1812, 23-1815 to 23-1817, 23-1819, and 23-1820, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 181. By Public Works Committee: Kremer, 34th District, Chairperson; Beutler, 28th District; DeCamp, 40th District; Wesely, 26th District; Lamb, 43rd District; Hoagland, 6th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 70-623.01, 70-625.02, 70-626.01, 70-1001 to 70-1002.01, 70-1002.03, 70-1004, 70-1011, 70-1014, 70-1015, 70-1017, 70-1019, 70-1020, Reissue Revised Statutes of Nebraska, 1943, and sections 70-1003, 70-1012, and 70-1012.01, Revised Statutes Supplement, 1980, relating to public power; to change audit requirements; to provide for review of joint operations by municipalities; to change review procedures; to provide for review of the acquisition of facilities; to change filing and notice requirements; to provide for an annual report; to change an interest rate; and to repeal the original sections.

LEGISLATIVE BILL 182. By H. Peterson, 35th District.
This bill introduced on behalf of: Nebraskans.

A BILL FOR AN ACT to adopt the Balanced Treatment for Creation-Science and Evolution-Science Act; and to provide severability.

LEGISLATIVE BILL 183. By Lamb, 43rd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 83-1,143.01, Reissue Revised Statutes of Nebraska, 1943, relating to mental retardation; to provide for the funding of certain agencies as prescribed; and to repeal the original section, and also section 83-1,143, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 184. By Burrows, 30th District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT relating to agriculture; to declare intent; to define terms; to provide that no corporation shall engage in farming operations except as authorized; to require reports of farming operations as prescribed; and to provide for enforcement.

MR. CLARK PRESIDING

UNANIMOUS CONSENT - Add Co-Introducers

Mesdames Kilgarin, Pirsch, and Mr. Wiitala asked unanimous consent to add their names to LB 61. No objections. So ordered.

SPEAKER MARVEL PRESIDING

MOTION - Rule Changes

Mr. Beutler offered the following amendment:
Amend Rule 1, Sec. 16(c) as follows:
(c) The Speaker shall prepare a daily legislative agenda and shall make every effort possible to deliver the agenda to the members of the Legislature not less than one day prior to the day for which the agenda was prepared. After the agenda has been published, amendments to the agenda must be approved by a three-fifths majority of the elected members.

Mr. Beutler asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. L. Johnson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Wesely moved to adopt the remaining permanent rules for the Eighty-Seventh Legislature, First Session, as currently in our possession.

Mr. Wesely moved for a Call of the House. The motion prevailed with 15 ayes, 9 nays, and 25 not voting.

Mr. Wesely requested a roll call vote.

Voting in the affirmative, 15:

Burrows
DeCamp
Dworak
Fowler
Johnson, V.
Kilgarin
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Peterson, H.
Wesely
Wiitala

Voting in the negative, 27:

Barrett
Beutler
Beyer
Carsten
Chambers
Clark
Cope
Cullan
Fenger
Fitzgerald
Goll
Haberman
Hefner
Higgins
Hoagland
Kahle
Lamb
Maresh
Nichol
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner

Excused and not voting, 7:

Chronister
Goodrich
Johnson, L.
Koch
Peterson, R.
Schmit
Warner

The Wesely motion lost with 15 ayes, 27 nays, and 7 not voting.

The Chair declared the Call raised.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 185. By Beyer, 3rd District.
This bill introduced on behalf of: City of Omaha.

A BILL FOR AN ACT to amend section 81-885.04, Reissue Revised Statutes of Nebraska, 1943, relating to the Real Estate Commission; to change an exception as prescribed; and to repeal the original section.

LEGISLATIVE BILL 186. By Beyer, 3rd District.
This bill introduced on behalf of: Nebraska Peace Officers Association.

A BILL FOR AN ACT to amend sections 23-1717 and 23-1719, Reissue Revised Statutes of Nebraska, 1943, relating to county officers; to provide a description of uniforms to be worn by sheriffs and sheriff's deputies; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 187. By Hoagland, 6th District.

This bill introduced on behalf of: The People of the State of Nebraska.

A BILL FOR AN ACT to amend section 30-2821, Revised Statutes Supplement, 1980, relating to powers of trustees; to change the power to deposit or invest trust funds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 188. By Judiciary Committee: Nichol, 48th District, Chairperson; Von Minden, 17th District; Chambers, 11th District; Chronister, 18th District; Beyer, 3rd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 48-806, Revised Statutes Supplement, 1980, relating to labor; to increase the per diem for judges of the Commission of Industrial Relations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 189. By Judiciary Committee: Nichol, 48th District, Chairperson; Von Minden, 17th District; Chambers, 11th District; Chronister, 18th District; Pirsch, 10th District; Beyer, 3rd District; Sieck, 24th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 24-507 to 24-511, 24-513, 24-518, 24-520, 24-701, 29-403, 29-901, 29-901.01, 29-901.02, 29-901.03, 29-901.05, 29-903, 29-904, and 49-502, Reissue Revised Statutes of Nebraska, 1943, and section 49-617, Revised Statutes Supplement, 1980, relating to courts; to provide for full-time associate county judges; to provide qualifications; to provide for filing of oaths; to provide for a clerk of the county court; to provide powers and duties; to provide for a clerk's salary as provided; to redefine terms; to provide certain clerks receive session laws, journals, and statutes; to repeal the original sections, and also sections 24-519 and 30-2218, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 190. By DeCamp, 40th District.
This bill introduced on behalf of: Nebraskans.

A BILL FOR AN ACT to amend sections 74-1320 and 74-1321, Revised Statutes Supplement, 1980, relating to railroads; to provide for grade separation assessments; to eliminate an excise tax; to repeal certain provisions relating to viaducts and subways; to repeal a provision relating to certain crossings; to provide an operative date; to repeal the original sections, and also sections 18-619 to 18-622, 18-633, and 75-416, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 191. By Marsh, 29th District.
This bill introduced on behalf of: Disabled Employable Persons.

A BILL FOR AN ACT to amend section 48-128, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to change certain provisions relating to the Second Injury Fund; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 192. By Maresh, 32nd District; Remmers, 1st District.
This bill introduced on behalf of: Small Businesses.

A BILL FOR AN ACT relating to civil procedure; to provide for the award of attorney and expert witness fees in certain civil proceedings; to provide duties; and to provide exceptions.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

LB 131 Tuesday, January 20, 1981 1:30

(Signed) Steve Fowler, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 114 through 139.

The Board re-referred legislative bill 69 from Public Works to Public Health and Welfare.

LB	Committee
114	Public Works
115	Business and Labor
116	Appropriations
117	Revenue
118	Business and Labor
119	Business and Labor
120	Judiciary
121	Government, Military and Veterans Affairs
122	Urban Affairs
123	Public Works
124	Miscellaneous Subjects
125	Banking, Commerce and Insurance
126	Judiciary

127	Government, Military and Veterans Affairs
128	Nebraska Retirement Systems
129	Judiciary
130	Administrative Rules & Regulations
131	Nebraska Retirement Systems
132	Urban Affairs
133	Banking, Commerce and Insurance
134	Miscellaneous Subjects
135	Revenue
136	Miscellaneous Subjects
137	Banking, Commerce and Insurance
138	Constitutional Revision and Recreation
139	Banking, Commerce and Insurance

(Signed) Senator Howard Lamb, Chairperson
Legislative Council Executive Board

VISITORS

Visitor to the Chamber was Efie Sumarlin from Indonesia.

ADJOURNMENT

At 3:31 p.m., on a motion by Mr. V. Johnson, the Legislature adjourned until 9:30 a.m., Thursday, January 15, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 15, 1981

LEGISLATIVE JOURNAL

SEVENTH DAY - JANUARY 15, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 15, 1981

Pursuant to adjournment, the Legislature met at 9:50 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Dan Gengler, Associate Minister of St. Paul United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Koch, Warner, Mesdames Labedz, and Marsh; and Messrs. Cullan, Haberman, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixth Day was approved.

MOTION - Adopt Rules

Mr. Wesely moved to adopt the remaining Permanent Rules as amended for the 87th Legislature, First Session.

Mr. Maresh offered the following amendment to the Wesely amendment:

That the rules as amended be returned to the Rules Committee & reply to the entire body by Jan. 16th with their recommendations, giving special consideration to the number of bills to be introduced.

MR. CLARK PRESIDING

SPEAKER MARVEL PRESIDING

Mr. Kremer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Mr. Maresh requested a roll call vote.

Voting in the affirmative, 23:

Barrett
Beutler
Beyer
Carsten
Clark
Cope
Fenger
Fitzgerald
Goll
Haberman
Hefner
Kahle
Kremer
Lamb
Maresh
Nichol
Peterson, R.
Pirsch
Rumery
Sieck
Stoney
Von Minden
Wagner

Voting in the negative, 20:

Burrows
Chambers
Chronister
Cullan
DeCamp
Dworak
Fowler
Goodrich
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Landis
Marvel
Newell
Peterson, H.
Schmit
Vickers
Wesely

Present and not voting, 1:

Remmers

Excused and not voting, 5:

Koch
Labedz
Marsh
Warner
Wiitala

The Maresh amendment to the Wesely amendment lost with 23 ayes, 20 nays, 1 present and not voting, and 5 excused and not voting.

Mr. Stoney offered the following amendment to the Wesely amendment:

We adopt today the Rules which were adopted by the Eighty-Sixth Legislature Second Session to rule the 87th Legis. lst Sess. Additionally, that suggested and recommended changes be referred to the Rules Committee for their consideration. Recommendations receiving majority support then be referred to the Eighty-Seventh Legislature First Session for collective consideration.

MR. CLARK PRESIDING

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

The Stoney amendment to the Wesely amendment lost with 18 ayes, 22 nays, and 9 not voting.

SPEAKER MARVEL PRESIDING

Mr. Newell offered the following amendment to the Wesely amendment:

To limit the number of Rules Changes that any legislator may introduce in any 2 year period to 17.

Mr. Newell asked unanimous consent to withdraw his amendment. No objections. So ordered.

VISITORS

Visitors to the Chamber were nine 4th grade students and teacher from Murdock Grade School, Murdock.

RECESS

At 11:53 a.m., on a motion by Mr. Chambers, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:40 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mesdames Labedz, Marsh, and Mr. Koch who were excused; and Messrs. Goodrich, V. Johnson, Warner who were excused until they arrive.

MOTION - Adopt Rules

Mr. Wesely renewed his pending motion found in this day's Journal.

The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following rule change in the Journal. No objections. So ordered.

Amend Rule 5 Sec. 5 (d) as follows:

(d)Each member shall be limited as an introducer or co-introducer to a total of 20 bills for the two-year period consisting of the first and second regular sessions of each Legislature. Each committee shall be limited as an introducer to a total of 10 bills for each regular session of the Legislature. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Provided, to suspend the rules to allow a committee to exceed the 10 bill limit a four-fifths vote shall be required. Bills introduced under Rule 5, Sec. 3(a), bills introduced at the request of the Governor, and Appropriations bills will not be included in the limitation. Any bill withdrawn by a member during the introduction period shall be counted in the limitation of 10 bills.

Referred to the Rules Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 193. By Fowler, 27th District.
This bill introduced on behalf of: consumers.

A BILL FOR AN ACT to amend sections 75-105, 75-106, 75-107, and 75-128, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to provide for the appointment of a secretary; to provide duties; to provide for reports as prescribed; to provide for grant of an application; to create a customer relations staff; to provide for adequacy of telephone service; to provide for plans; and to repeal the original sections.

LEGISLATIVE BILL 194. By Clark, 47th District.
This bill introduced on behalf of: City of Kimball.

A BILL FOR AN ACT to amend section 51-202, Reissue Revised Statutes of Nebraska, 1943, relating to municipal libraries; to change a requirement for the adoption of ordinances; and to repeal the original section.

LEGISLATIVE BILL 195. By Warner, 25th District.
This bill introduced on behalf of: Certain fire and casualty Nebraska Insurance Companies.

A BILL FOR AN ACT to amend section 44-311.04, Revised Statutes Supplement, 1980, relating to insurance; to change certain provisions relating to authorized investments; and to repeal the original section.

LEGISLATIVE BILL 196. By Carsten, 2nd District.
This bill introduced on behalf of: League of Municipalities.

A BILL FOR AN ACT to amend section 17-107, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the second class and villages; to provide for removal of certain officers and police officers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 197. By Kilgarin, 7th District.
This bill introduced on behalf of: senior citizens of the great state of Nebraska.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1980, relating to revenue and taxation; to provide a tax credit for the elderly as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 198. By Government, Military and Veterans Affairs Committee: Kahle, 37th District, Chairperson; Chambers, 11th District; V. Johnson, 8th District; Goll, 16th District; Haberman, 44th District; Landis, 46th District; Chronister, 18th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 70-604.03, Reissue Revised Statutes of Nebraska, 1943, relating to public power; to authorize the division of voting precincts; to provide for charging additional costs; and to repeal the original section.

LEGISLATIVE BILL 199. By Rumery, 42nd District.
This bill introduced on behalf of: Dean Niedan and Nebraska Banker's Association.

A BILL FOR AN ACT to repeal section 8-154, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking.

LEGISLATIVE BILL 200. By Hefner, 19th District.
This bill introduced on behalf of: County Highway Superintendents and Engineers.

A BILL FOR AN ACT to amend sections 39-1638, 39-1639, 39-1642, and 39-1647, Reissue Revised Statutes of Nebraska, 1943, relating to rural road improvement districts; to redefine terms; to remove a restriction; to change provisions relating to resolutions; to set interest rates on delinquent special assessment installments; and to repeal the original sections.

LEGISLATIVE BILL 201. By Business and Labor Committee: Maresh, 32nd District, Chairperson; Wiitala, 31st District; Labedz, 5th District; Vickers, 38th District; Goll, 16th District; Fitzgerald, 14th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 48-624 and 48-669, Revised Statutes Supplement, 1980, relating to unemployment benefits; to change certain provisions relating to the computation of unemployment benefits; and to repeal the original sections.

LEGISLATIVE BILL 202. By Chambers, 11th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 24-342, 28-105, 28-303, 83-1,107, and 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943; to eliminate the death penalty; to repeal sections relating to special procedures in cases of homicide; to provide when this act shall apply; to limit provisions relating to parole and discharge from custody; and to repeal the original sections, and also sections 29-2519 to 29-2546, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 203. By H. Peterson, 35th District; Cope, 36th District.
This bill introduced on behalf of: First Class Cities of Nebraska.

A BILL FOR AN ACT relating to pensions; to amend sections 15-1001, 15-1002, 15-1013, 15-1013.01, and 15-1013.02, Reissue Revised Statutes of Nebraska, 1943, and sections 15-1004, 15-1007, 16-336, 35-201, 35-203.01, 35-206, 35-209, and 35-212, Revised Statutes Supplement, 1980; to change certain provisions relating to employee contributions; to change provisions relating to retirement age as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 204. By Wagner, 41st District.
This bill intoduced on behalf of: efficiency in government.

A BILL FOR AN ACT relating to mileage and expenses; to amend sections 1-110, 2-953, subdivision (3) (a) of section 2-954, 2-1582, 2-1803, 2-2306, 2-2404, 2-3218, 3-104, 3-502, 3-611, 3-705, 14-1706, 14-1803, 19-706, 21-17,133, 21-2307, 23-343.26, 23-343.87, 23-1210, 23-1614, 23-1724, 23-2505, 23-2603, 24-327, 24-342.02, 24-513, 24-718, 24-731, 25-1227, 29-752, 29-1903, 29-1907, 29-1908, 29-2259, 29-2539, 29-3204, 31-219, 32-403, 32-549, 33-108, 33-116, 33-133, 33-135.01, 33-138, 33-139, 35-506, 37-603, 39-869, 39-1106, 39-1643, 39-2106, 39-2202, 39-2304, 43-601, 43-631, 44-111, 44-127.08, 44-388, 44-2405, 44-2706, 44-2849, 44-3005, 46-538, 46-634.01, 46-901, 48-155.01, 48-610, 48-1116, 49-230, 49-233, 49-905, 49-14,120, 50-408, 50-415, 51-313, 51-314, 51-402, 53-113, 54-1169, 54-1914, 55-428, 55-442, 60-406.06, 60-1414, 66-470, 68-702.01, 68-1105, 70-719, 71-122.01, 71-124, 71-1,132.12, subsection (1) of section 71-1,156, 71-230, 71-317, 71-331, 71-1401, subsection (3) of section 71-1524, 71-1565, 71-2005, 71-2605, 71-2703, 71-2908, 71-3506, 71-3706, 71-3809, 71-4611, 71-4715, 71-4902, 71-5005, 71-5006, 71-5008, 71-5118, 72-201, 72-720, 72-1121, 72-1239, 76-303, 76-513, 77-417, 77-1720, 77-2024, 79-327, 79-426.03, 79-426.05, 79-1281.01, 79-1421, 79-2102, 79-2113, 80-101, 80-401.08, 81-509, 81-539, 81-807, 81-814, 81-829.53, 81-829.54, 81-842, 81-885.27, 81-8,110.11, 81-8,116, 81-8,163, 81-8,189, 81-8,191, 81-8,220, 81-8,267, 81-8,272, 81-1108.32, 81-1120.18, 81-1218, 81-1409, 81-1421, 81-1507, 82-310, 83-101.06, 83-195, 83-1,128, 83-1,141, 83-211.02, 83-1071, 84-213, 84-1501, 85-104, 85-1,103, 85-906, and 86-709, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1201, 2-1505, 2-3619, 23-114.01, 23-343.02, 23-1112, 23-1112.01, 23-1820, 33-117, 43-607, 43-657, 46-154, 48-159, 48-804.02, 48-806, 54-137, 54-140, 57-904, 68-1305, 70-1003, 71-122, 71-222, 71-1631, 71-2045.06, 71-4723, 71-5026, 71-5606, 71-5845, 71-5864, 72-224.03, 76-1609, 77-3,106, 79-490, 79-1034, 79-1281, 79-2203, 80-305, 80-401.02, 81-175, 81-502.02, 81-804, 81-822, subdivision (2) (a) of section 81-8,285, 81-1241, 81-1503, 81-1504, 81-1603, 81-1805, 83-337, 83-424, 83-945, 84-134, 84-306.03, 84-306.06, 84-306.08, 84-306.09, and 85-1011, Revised Statutes Supplement, 1980; to harmonize provisions; to increase certain rates; to provide intent for adjustments to certain rates; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 205. By Newell, 13th District.
This bill introduced on behalf of: City of Omaha.

A BILL FOR AN ACT relating to fire investigations; to amend section 81-1401, Revised Statutes Supplement, 1980; to provide certain local officers with additional powers during investigations as prescribed; to provide for training such officers; and to repeal the original section.

LEGISLATIVE BILL 206. By Chambers, 11th District.
This bill introduced on behalf of: Members of the Legislature.

A BILL FOR AN ACT relating to the Legislature; to provide intent; to provide for certain expenses; and to declare an emergency.

LEGISLATIVE BILL 207. By Education Committee: Koch, 12th District, Chairperson; Wiitala, 31st District; Hoagland, 6th District; Vickers, 38th District; Lamb, 43rd District; Goll, 16th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 60-409, 60-409.01, and 60-409.02, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to change the composition and apportionment of the Driver Education Fund; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 208. By Education Committee: Koch, 12th District, Chairperson; Wiitala, 31st District; Hoagland, 6th District; Beutler, 28th District; Kremer, 34th District; Vickers, 38th District; Goll, 16th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 79-403, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to territory changes for districts; to eliminate certain provisions relating to the transfer of pupils; and to repeal the original section, and also sections 79-478, 79-479, and 79-482 to 79-485, Reissue Revised Statutes of Nebraska, 1943, and sections 79-480 and 79-481, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 209. By Koch, 12th District.
This bill introduced on behalf of: citizens of Nebraska.

A BILL FOR AN ACT relating to elections; to amend sections 17-203.01, 23-343.25, 32-101, 32-103, 32-106, 32-420.01, 32-420.02, 32-504, 32-505 to 32-508, 32-510, 32-511, 32-530, 49-1455, 79-426.19, and 79-706, Reissue Revised Statutes of Nebraska, 1943, and sections 32-402.01, 49-1459, 79-701, and 79-2203, Revised Statutes Supplement, 1980; to define terms; to provide for a September primary election; to change provisions relating to the presidential preference primary election; to harmonize provisions; to provide for independent voters voting a partisan ballot at primary elections; to change provisions relating to committee campaign statements; to extend certain terms as prescribed; to provide an operative date; and to repeal the original sections, and also section 19-434, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 210. By Vickers, 38th District.
This bill introduced on behalf of: People of the State.

A BILL FOR AN ACT relating to state aid to the public schools; to provide the source of funds for the School Foundation and Equalization Fund; to amend sections 77-27,132 and 79-1332, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

LEGISLATIVE BILL 211. By Newell, 13th District.
This bill introduced on behalf of: Department of Revenue.

A BILL FOR AN ACT to amend sections 77-3510, 77-3512 to 77-3514, and 77-3516, Revised Statutes Supplement, 1980, relating to revenue and taxation; to eliminate a homestead exemption; to harmonize provisions; and to repeal the original sections, and also section 77-3506, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 212. By V. Johnson, 8th District.
This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT relating to medical records; to provide for a cancer registry with the State Board of Health; to define terms; to provide duties for the board and the Department of Health; and to limit the use of information contained within the cancer registry.

LEGISLATIVE BILL 213. By Pirsch, 10th District; Hoagland, 6th District; Hefner, 19th District.
This bill introduced on behalf of: the people of the State of Nebraska.

A BILL FOR AN ACT to amend sections 29-2005 and 29-2203, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to change the number of peremptory challenges as prescribed; to change procedures for the commitment and release of certain defendants; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 214. By Hefner, 19th District.
This bill introduced on behalf of: Nebraska Bankers Association.

A BILL FOR AN ACT to amend section 8-815, Revised Statutes Supplement, 1980, relating to personal loans; to redefine a term; to change a limitation; to provide an exception; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 215. By Chronister, 18th District.
This bill introduced on behalf of: the People of the State of Nebraska.

A BILL FOR AN ACT to amend section 42-364, Reissue Revised Statutes of Nebraska, 1943, relating to divorce; to change procedures for termination of parental rights as prescribed; and to repeal the original section.

LEGISLATIVE BILL 216. By Agriculture and Environment Committee: Schmit, 23rd District, Chairperson; Burrows, 30th District; Remmers, 1st District; Wagner, 41st District; Nichol, 48th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 81-1502, 81-1505, and 81-1508, Revised Statutes Supplement, 1980, relating to environmental protection; to provide for hazardous waste management as prescribed; to change provisions relating to solid waste disposal; to provide for permits as prescribed; to provide a penalty; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 217. By Von Minden, 17th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 53-179, Revised Statutes Supplement, 1980, relating to liquors; to allow the sale of liquor on election days; and to repeal the original section.

LEGISLATIVE BILL 218. By Sieck, 24th District.
This bill introduced on behalf of: Education.

A BILL FOR AN ACT relating to schools; to amend section 79-4,153, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1559 and 73-106, Revised Statutes Supplement, 1980; to make an exception from certain manufactured housing unit requirements; to change provisions relating to the acquisition and sale of real property as prescribed; to provide conditions; to provide an exception to bidding requirements; and to repeal the original sections.

LEGISLATIVE BILL 219. By Sieck, 24th District.
This bill introduced on behalf of: Property Taxpayers of Nebraska.

A BILL FOR AN ACT relating to school financing; to amend sections 77-27,132 and 79-810, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2715.01, 79-903, 79-904, 79-1007, and 79-1335, Revised Statutes Supplement, 1980; to declare intent; to provide limitations on certain levies; to change budget provisions; to change provisions relating to state aid to education; to provide for transfer of certain tax revenue; to define terms; to impose an income tax for support of schools as prescribed; to provide for determination of the tax rate; to prescribe tax rate formulae; to provide for administration; to provide penalties; to provide an additional computation in the setting of certain rates; to provide severability; to provide an operative date; and to repeal the original sections, and also sections 79-432 and 79-1007.02, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 220. By Maresh, 32nd District.
This bill introduced on behalf of: League of Municipalities.

A BILL FOR AN ACT to amend section 17-953, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the second class and villages; to make an exception from election requirements for certain projects; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 221. By Wagner, 41st District; Fitzgerald, 14th District; Chronister, 18th Distrist;Von Minden, 17th District; Hefner, 19th District.
This bill introduced on behalf on: Nebraska Veterans Council.

A BILL FOR AN ACT to amend section 80-401.01, Revised Statutes Supplement, 1980, relating to the Nebraska Veterans' Aid Fund; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 222. By Public Works Committee: Kremer, 34th District, Chairperson; Hoagland, 6th District; Beutler, 28th District; Wesely, 26th District; Clark, 47th District; DeCamp, 40th District.
This bill introduced on behalf of: Nebraska Association of Resources Districts.

A BILL FOR AN ACT to amend sections 46-656 and 46-674, Reissue Revised Statutes of Nebraska, 1943, and sections 46-657, 46-659, 46-660, 46-665, 46-666, and 46-673, Revised Statutes Supplement, 1980, relating to ground water; to provide for the designation of an interim control area; to provide an election as prescribed; to eliminate the power to prohibit well permits in control areas; to increase the amount of a tax levied; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 68	Wednesday, January 28, 1981	10:30
LB 20	Wednesday, January 28, 1981	2:00
LB 115	Wednesday, January 28, 1981	2:00

(Signed) Richard Maresh, Chairperson

EXECUTIVE BOARD REPORT

In order to provide better communication between the Executive Board and the other members of the Legislature, I hereby authorize and direct you to:

1. Print significant actions of the Executive Board in the Journal.
2. Inform the members of the Legislature of these actions by letter during the interim between sessions.

(Signed) Howard Lamb, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 3
January 14, 1981

Dear Senator Beutler:

You have asked our opinion as to whether political subdivisions holding deferred compensation funds withheld from their employees' salaries pursuant to Neb.Rev.Stat. §48-1401 (Reissue 1978) may invest such funds in state or federal savings and loan associations. You state that you desire this opinion so that you may see if it is necessary or advisable to introduce a legislative bill this session. We conclude that such political subdivisions may make such investments.

Our court held, in Nebraska League of Savings and Loan Associations v. Mathes, 201 Neb. 122, 266 N.W.2d 720 (1978), that political subdivisions of this state were prohibited by Article XI, Section 1 of the Constitution of this state from depositing funds in savings and loan associations, except as authorized by Article XV, Section 17(2) of that Constitution. The reason for the prohibition was that a deposit in such an association constituted the acquisition of an ownership or proprietary interest in a private corporation or association, prohibited by Article XI, Section 1.

Article XV, Section 17(2) authorizes the Legislature, notwithstanding any other provision of the Constitution, to authorize the investment of retirement or pension funds of political subdivisions in such investment as the governing body of the subdivison may determine, but subject to such limitations as the Legislature may provide.

The question, then, is whether deferred compensation funds are "retirement or pension funds," as that term is used in Article XV, Section 17(2). The answer to that question is certainly not beyond dispute, but we have concluded that they are.

Deferred compensation plans for state and local government employees are authorized by 26 U.S.C. §457. This statute provides that sums may be withheld from the salaries of the employees, to be paid to them at a later time. Such sums withheld are not subject to federal income taxes in the year earned, but only in the year in which they are paid.

The answer to the question of whether this is a retirement or pension plan is made unclear by the fact that 26 U.S.C. §457 provides that the sums withheld may not be made available to the participant earlier than when he or she is separated from service or is faced with an unforeseeable emergency. This means that an employee who started participation in the plan at age 30 and who terminated employment at age 35 and took employment in the private sector could immediately receive all of the sums deferred. It can be argued that this is not a retirement plan, since the employee has not "retired" in the ordinary sense, since he is still actively employed, and has not qualified for the ordinary retirement of public employees. Furthermore, the provision about payment because of an emergency means that the employee, under certain conditions, can get the money while he is still employed by the governmental subdivision.

Nevertheless, we are inclined to feel that the deferred compensation plan is a retirement program. In the first place, one of the purposes of deferring the income is to avoid including it during the years when one is employed, and, perhaps, in a high tax bracket, and to permit showing it during retirement years when the employee will, presumably, be in a much lower bracket. To accumulate it for several years and then show it all in one year, while still employed, as in the case of the 35 year old worker who received it when he ceased public employment, would defeat one of the basic purposes of the program. We believe this is not ordinarily contemplated, but, instead, the withheld compensation is planned to be paid during retirement years, as a supplement to other retirement programs.

This belief is reinforced by §48-1401(4), which provides that the program shall be in addition to, and not a part of, any existing retirement or pension system. Further, in 1978 U.S. Code Cong. & Ad. News, p. 6828, we find a reference to salary-reduction deferred compensation plans as a means of providing retirement income. We are confident that most participating employees regard the plan as a retirement program, and the various plans are geared to that end.

The word "retire" is not defined in the Constitution to mean cessation of public employment at any particular age, or to preclude other nonpublic employment afterwards. In State ex rel. Haberlan v. Love, 95 Neb. 573, 145 N.W. 1010 (1914), the court used a dictionary definition defining "retire" as meaning to withdraw from active service, as an officer of the Army or Navy, or to separate or withdraw. Under this definition, perhaps any termination of service would be "retirement," even though the employee did not yet qualify for the agency's regular retirement benefits.

Furthermore, the Legislature apparently regarded the funds deferred as retirement funds, since §48-1401(3) authorizes political subdivisions to invest the deferred income in savings and loan associations. If these are not pension or retirement funds, such investments would be prohibited by our Constitution, and we would be required to hold the provision unconstitutional. We try to avoid that result, if possible. We therefore conclude that such funds held by political subdivisions of the state are pension or retirement funds, as contemplated by Article XV, Section 17(2) of the Constitution.

You also ask whether University of Nebraska, state college and public school employees may come under deferred compensation plans, either by virtue of §48-1401, or other statutory provision. Section 48-1401 applies to all political subdivisions or agencies of the state, except an agency subject to Neb.Rev.Stat. §§84-1504 to 84-1506 or Neb.Rev.Stat. §§85-106, 85-195, or 85-320.

Neb.Rev.Stat. §84-1504 (Reissue 1976) makes provision for a deferred compensation program for "any state employee or any judge who is not a state employee, including a person under contract providing services to the state who is not employed by the University of Nebraska, or any of the state colleges, or technical community colleges."

Neb.Rev.Stat. §85-106 (Supp. 1980) authorizes the Board of Regents to enter into agreements with its employees for a reduction of salary or wages for the purchase by the Board of Regents of annuity contracts for such employees, under the provisions of the Internal Revenue Code, as amended.

Neb.Rev.Stat. §85-195 (Supp. 1980) authorizes the Board of Trustees of the Nebraska State Colleges, any technical community college area board, and the Board of Regents of the University of Nebraska to enter into similar contracts with their employees, under the provisions of the Internal Revenue Code, as amended. Section 85-320 (Supp. 1980) gives the same authority to the Board of Trustees of the Nebraska State Colleges.

Section 48-1401 applies to any political subdivision of the State of Nebraska, with the exceptions noted. A public school district is a political subdivision of the state, and is not specifically excepted by §48-1401. Therefore, public school districts may offer deferred compensation programs to their employees pursuant to that section.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

EASE

The Legislature was at ease from 2:04 p.m. until 2:32 p.m.

UNANIMOUS CONSENT - Members Excused

Mr. Hoagland asked unanimous consent to be excused the remainder of today and January 16, 1981. No objections. So ordered.

Mr. Beutler asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 5.

Introduced by Dworak, 22nd District; Maresh, 32nd District; Haberman, 44th District; DeCamp, 40th District; Nichol, 48th District; Burrows, 30th District; Kahle, 37th District; Lamb, 43rd District; Schmit, 23rd District.

WHEREAS, the people of Taiwan, like the people of the United States and Nebraska, have overcome great adversity and have built a successful, prosperous, free economy; and

WHEREAS, the people of Taiwan, have been among the closest friends of the people of Nebraska for more than two-thirds of a century; and

WHEREAS, the Republic of China, has been one of the most faithful allies of the United States since 1941; and

WHEREAS, strong commercial ties now exist between the citizens of the Province of Taiwan and the citizens of the State of Nebraska; and

WHEREAS, the people-to-people program initiated by President Eisenhower in 1956, and endorsed by President Kennedy in 1961, was designed to bring the people of the world closer together in the interest of peace; and

WHEREAS, a sister state relationship between Taiwan and Nebraska is in the best interests of a cooperative relationship between the two states involved.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature, on behalf of the people of Nebraska, extends to the people of Taiwan, the Republic of China, through the Provincial Legislature of Taiwan, an invitation to join with Nebraska as a sister state and as such to conduct such mutually beneficial social, economic, educational, and cultural programs as to bring our citizens closer together and strengthen international understanding and goodwill.
2. That the Clerk of the Legislature is directed to send copies of this resolution to Lin Yang-Kang, Governor of Taiwan, Tsai Hung-Wen, Speaker of the Provincial Legislature of Taiwan, Nich Wen-Ya, President of the Legislative Yuan, Republic of China, and Charles Thone, Governor of Nebraska.
3. That the Clerk of the Legislature is directed to send copies of this resolution to Nebraska's delegation in both houses of the Congress of the United States and to the presiding officers of the legislative houses in each of the other states of the union.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Nebraska Retirement Systems

LB 141	Tuesday, January 20, 1981	1:30 p.m.

(Signed) Steve Fowler, Chairperson

Government, Military & Veterans Affairs

LB 45	Thursday, January 29, 1981	10:30 a.m.
LB 66	Thursday, January 29, 1981	10:30 a.m.
LB 10	Thursday, January 29, 1981	1:30 p.m.
LB 18	Thursday, January 29, 1981	1:30 p.m.
LB 121	Thursday, January 29, 1981	1:30 p.m.

LB 4	Friday, January 30, 1981	10:30 a.m.
LB 106	Friday, January 30, 1981	10:30 a.m.
LB 26	Friday, January 30, 1981	10:30 a.m.
LB 41	Friday, January 30, 1981	1:30 p.m.
LB 21	Friday, January 30, 1981	1:30 p.m.

(Signed) Martin Kahle, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills LB 140 through LB 171.

LB 132 was re-referred from Urban Affairs to Public Works.

LB 95 was re-referred from Public Health and Welfare to Judiciary.

LB	**Committee**
140	Revenue
141	Nebraska Retirement Systems
142	Revenue
143	Public Works
144	Urban Affairs
145	Nebraska Retirement Systems
146	Public Works
147	Public Works
148	Agriculture and Environment
149	Agriculture and Environment
150	Banking, Commerce and Insurance
151	Revenue
152	Public Works
153	Revenue
154	Banking, Commerce and Insurance
155	Appropriations
156	Appropriations
157	Appropriations
158	Appropriations
159	Appropriations
160	Appropriations
161	Appropriations
162	Appropriations
163	Appropriations
164	Appropriations
165	Education
166	Judiciary
167	Revenue
168	Revenue

169	Revenue
170	Revenue
171	Urban Affairs

(Signed) Senator Howard Lamb, Chairperson
Legislative Council Executive Board

UNANIMOUS CONSENT - Members Excused

Messrs. Fitzgerald, Hefner, and Von Minden asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, and 16 not voting.

LEGISLATIVE BILL 2. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, and 16 not voting.

EASE

The Legislature was at ease from 2:44 p.m. until 2:55 p.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 223. By V. Johnson, 8th District.
This bill introduced on behalf of: NSEA.

A BILL FOR AN ACT relating to schools; to require certain contracts; to provide definitions; and to provide limitations on school districts.

LEGISLATIVE BILL 224. By Maresh, 32nd District.
This bill introduced on behalf of: Nebraska Natural Resources Commission.

A BILL FOR AN ACT to amend section 2-1502, Revised Statutes Supplement, 1980, relating to the Nebraska Natural Resources Commission; to change provisions relating to the Small Watersheds

Flood Control Fund; to change provisions for state assistance as prescribed; and to repeal the original section.

LEGISLATIVE BILL 225. By Nichol, 48th District.
This bill introduced on behalf of: People in Nebraska.

A BILL FOR AN ACT to amend section 35-508, Revised Statutes Supplement, 1980, relating to rural and suburban fire protection districts; to authorize such districts to assist law enforcement agencies in establishing a communications system as prescribed; and to repeal the original section.

LEGISLATIVE BILL 226. By Haberman, 44th District.
This bill introduced on behalf of: Nebraska Well Drillers Association.

A BILL FOR AN ACT relating to water; to adopt the Nebraska Water Well Drillers' Licensing Act; to amend section 46-602, Revised Statutes Supplement, 1980; to provide definitions; to create a fund; to provide procedures; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 227. By V. Johnson, 8th District.
This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT to amend section 42-364, Reissue Revised Statutes of Nebraska, 1943, relating to divorce; to provide procedures for termination of parental rights; to provide for the appointment of a guardian ad litem; and to repeal the original section.

LEGISLATIVE BILL 228. By Landis, 46th District.
This bill introduced on behalf of: LR 276 Committee.

A BILL FOR AN ACT to amend sections 29-507 and 29-508, Reissue Revised Statutes of Nebraska, 1943, relating to witnesses; to change procedures providing for the appearance of certain witnesses; to provide for appeal; to provide a fee; and to repeal the original sections.

ANNOUNCEMENT

Mr. Vickers announced the Education Committee will meet in Room 1517 on Monday, January 19, 1981 at 9:00 a.m.

ADJOURNMENT

At 2:57 p.m., on a motion by L. Johnson, the Legislature adjourned until 9:30 a.m., Friday, January 16, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 16, 1981

LEGISLATIVE JOURNAL

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LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 16, 1981

Pursuant to adjournment, the Legislature met at 9:35 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Pastor Jack Glass, First Assembly of God Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hoagland, Koch, and Mrs. Marsh who were excused; and Mrs. Pirsch, Messrs. Beutler, Burrows, Haberman, V. Johnson, and Newell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventh Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 3.

RESOLUTION

LEGISLATIVE RESOLUTION 5. Read. Considered.

LR 5 was adopted with 35 ayes, 3 nays, and 11 not voting.

ANNOUNCEMENT

Mr. Landis announced an executive session of the Urban Affairs Committee, Monday, January 19, 1981 upon adjournment.

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 9	Friday, January 30, 1981	1:30 p.m.
LB 36	Friday, January 30, 1981	1:30 p.m.
LB 38	Friday, January 30, 1981	1:30 p.m.
LB 104	Friday, January 30, 1981	1:30 p.m.

(Signed) Loran Schmit, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 229. By Telecommunications Committee: Clark, 47th District, Chairperson; Wagner, 41st District; Pirsch, 10th District; Sieck, 24th District; Burrows, 30th District; Chronister, 18th District; Wesely, 26th District; Goodrich, 20th District.
This bill introduced on behalf of: Independent Telephone Companies.

A BILL FOR AN ACT to amend section 75-613, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to restrict a finding of inadequate exchange telephone service as prescribed; and to repeal the original section.

LEGISLATIVE BILL 230. By Fowler, 27th District.
This bill introduced on behalf of: labor.

A BILL FOR AN ACT relating to railroads; to prescribe certain standards for cabooses; to define terms; to prescribe when cabooses shall be utilized; to require reports; and to provide duties for the Public Service Commission.

LEGISLATIVE BILL 231. By Fowler, 27th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 47-101 and 47-201, Reissue Revised Statutes of Nebraska, 1943, relating to jails; to provide for reductions in terms for good behavior; to remove funding limitations; and to repeal the original sections.

LEGISLATIVE BILL 232. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to amend Laws 1980, LB 818A, section 2, Laws 1980, LB 996, sections 6 and 18, Laws 1980, LB 997, sections 4, 5, 9, and 11, Laws 1980, LB 998, sections 5, 10, 11, 14, and 16, Laws 1980, LB 999, sections 5, 6, and 7, Laws 1979, LB 594, section 20, as amended by Laws 1980, LB 1000, section 6, and Laws 1980, LB 1002, sections 6 and 25; to make, increase, and reduce appropriations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 233. By Maresh, 32nd District; Schmit, 23rd District; Hefner, 19th District; R. Peterson, 21st District; Sieck, 24th District.
This bill introduced on behalf of: Promoters of Highway 81.

A BILL FOR AN ACT relating to bonds; to authorize the issuance of bonds of the state for highway construction and repair as prescribed; to apropriate the proceeds thereof; to provide a priority for use; and to declare an emergency.

LEGISLATIVE BILL 234. By Business and Labor Committee: Maresh, 32nd District, Chairperson; Barrett, 39th District; Labedz, 5th District; Vickers, 38th District; Wiitala, 31st District; Fitzgerald, 14th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 48-122, Revised Statutes Supplement, 1980, relating to workmen's compensation; to increase certain payments; and to repeal the original section.

LEGISLATIVE BILL 235. By Business and Labor Committee: Maresh, 32nd District, Chairperson; Labedz, 5th District; Wiitala, 31st District; Fitzgerald, 14th District; Barrett, 39th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 81-161, Revised Statutes Supplement, 1980, relating to competitive bids; to provide an additional consideration; to define a term; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 236. By Nichol, 48th District.
This bill introduced on behalf of: Nebraska Brand Committee.

A BILL FOR AN ACT to amend sections 54-102, 54-104.01, 54-105, 54-106, 54-108, 54-126, 54-129, 54-135.01, 54-153, 54-155, 54-160, and 54-161, Reissue Revised Statutes of Nebraska, 1943, sections 54-101, 54-101.01, 54-104, 54-110, 54-115, 54-133.01, 54-137, 54-141, 54-143.01, 54-147, 54-148, 54-153.02, 54-153.03, and 54-156, Revised Statutes Supplement, 1980, and section 54-103, Revised Statutes

Supplement, 1969, relating to brands and marks; to change provisions relating to the Nebraska Brand Committee; to change certain fees; to provide additional duties; to require bond to be posted; and to repeal the original sections.

LEGISLATIVE BILL 237. By Wesely, 26th District.
This bill introduced on behalf of: City of Lincoln.

A BILL FOR AN ACT to amend section 12-101, Reissue Revised Statutes of Nebraska, 1943, relating to Wyuka Cemetery; to change provisions relating to the payment of special taxes and assessments; and to repeal the original section.

LEGISLATIVE BILL 238. By Goodrich, 20th District.
This bill introduced on behalf of: State of Nebraska.

A BILL FOR AN ACT to amend section 81-885.31, Reissue Revised Statutes of Nebraska, 1943, and section 81-885.24, Revised Statutes Supplement, 1980, relating to the State Real Estate Commission; to clarify a compensation provision; to delete provisions for additional evidence on appeal; to repeal the original sections; and declare an emergency.

LEGISLATIVE BILL 239. By Labedz, 5th District; H. Johnson, 15th District.
This bill introduced on behalf of: County Officials.

A BILL FOR AN ACT to amend sections 39-1713 and 39-1715 to 39-1718, Reissue Revised Statutes of Nebraska, 1943, relating to county roads; to change provisions relating to isolated lands; to provide for public access; to provide for payment of certain costs as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 240. By Pirsch, 10th District; Kilgarin, 7th District.
This bill introduced on behalf of: State Employees of Nebraska.

A BILL FOR AN ACT to amend section 84-1307, Reissue Revised Statutes of Nebraska, 1943, and section 84-1317, Revised Statutes Supplement, 1980, relating to the State Employees Retirement Act; to permit membership as prescribed; to decrease an elective retirement age; and to repeal the original sections.

LEGISLATIVE BILL 241. By Wesely, 26th District.

This bill introduced on behalf of: Outdoor Advertising of Nebraska.

A BILL FOR AN ACT relating to zoning and planning; to amend sections 19-904.01 and 23-173.01, Reissue Revised Statutes of Nebraska, 1943; to provide compensation for the taking of outdoor signs as prescribed; to change provisions relating to compensation for noncomforming uses; and to repeal the original sections.

LEGISLATIVE BILL 242. By Nichol, 48th District.
This bill introduced on behalf of: Nebraska Sheriff's and Peace Officers Association.

A BILL FOR AN ACT to amend section 29-1001, Reissue Revised Statutes of Nebraska, 1943, relating to custody and maintenance of prisoners; to provide for payment by the county for certain prisoners; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 243. By Schmit, 23rd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 2-3234, Reissue Revised Statutes of Nebraska, 1943, relating to natural resources districts; to restrict the power of eminent domain as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 244. By Burrows, 30th District; Koch, 12th District; Landis, 46th District.
This bill introduced on behalf of: Nebraska Association of Public Employees and AFSCME/AFL-CIO.

A BILL FOR AN ACT to amend sections 44-1620 and 44-1625, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to authorize the purchase of group dental insurance for state employees; and to repeal the original sections.

LEGISLATIVE BILL 245. By Wagner, 41st District; Kahle, 37th District; Lamb, 43rd District; Kremer, 34th District; Rumery, 42nd District; H. Peterson, 35th District; Maresh, 32nd District; Schmit, 23rd District; Hefner, 19th District; DeCamp, 40th District.
This bill introduced on behalf of: children of Nebraska.

A BILL FOR AN ACT relating to the University of Nebraska at Lincoln; to provide for planning, preparation, and construction of a College of Veterinary Medicine; to provide an appropriation; and to declare an emergency.

LEGISLATIVE BILL 246. By Lamb, 43rd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 46-602 and 46-651, Revised Statutes Supplement, 1980, relating to ground water; to change provisions for the registration of certain wells; to provide severability; and to repeal the original sections, and also section 46-652, Revised Statutes Supplement, 1980.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 69	Friday, January 30, 1981 (Cancel)	1:30 p.m.
LB 65	Friday, January 30, 1981	1:30 p.m.
LB 112	Friday, February 6, 1981	1:30 p.m.

(Signed) Maurice A. Kremer, Chairperson

MESSAGE FROM THE GOVERNOR

January 15, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

As required by law, I am transmitting herewith a bill to fund supplemental appropriations to state programs and state aid for fiscal year 1980-81. These amendments do not include personal services limitations as it is my understanding that your Appropriations Committee will address this area. This bill provides amendments to LB818A, LB996, LB997, LB998, LB999, LB594, LB1000 and LB1002, Laws 1980.

Included in the total General Fund deficit herein contained are:

$3,480,793 to the Department of Education of which $72,543 will reimburse schools for the educational costs of state wards and $3,415,492 for special education claims for fiscal year 1979-80;

$60,132 to the Court Systems for the purpose of training judges and probation officers;

$290,000 to the Department of Motor Vehicles to begin production on a new issuance of license plates for distribution January, 1982;

$790,170 to repair tornado damage to the Grand Island Veterans' Home; also, provided that any federal reimbursement for this emergency be reimbursed to the General Fund;

$900,000 to the State Emergency Fund to place the fund in a sound financial position in case of any emergencies this winter or spring and to provide for remaining obligations from the Grand Island tornado, not including the Grand Island Veterans' Home;

$10,378 to the Department of Veterans' Affairs;

$129,852 to the Department of Corrections for construction and equipment costs resulting from last year's fire that destroyed laundry facilities in the old reformatory;

$35,000 to the Crime Victims' Reparation Board for aid to victims of crime;

$26,850 to the Energy Office to evaluate alternative energy installations to determine whether or not they qualify for the sales tax refund pursuant to LB954 passed by your body last year.

In addition to these amounts, there are additional recommended cash and revolving fund adjustments. There are other requests with which I have not concurred. All agency request information has been shared with the Appropriations Committee for their consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:dld

EASE

The Legislature was at ease from 10:07 a.m. until 10:48 a.m.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LR 5.

(Signed) Rex Haberman

ANNOUNCEMENT

Mr. Clark announced the Telecommunications Committee elected Mr. Goodrich as Vice Chairperson.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 247. By Marvel, 33rd District.
This bill introduced on behalf of: Law Enforcement.

A BILL FOR AN ACT to amend sections 23-1721, 23-1722, and 23-1723.01, Reissue Revised Statutes of Nebraska, 1943, relating to sheriffs; to change provisions relating to a sheriff's office merit commission in certain counties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 248. By Wiitala, 31st District.
This bill introduced on behalf of: Teachers of Nebraska.

A BILL FOR AN ACT to amend section 79-1522.01, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to change the procedure for determining final average compensation; and to repeal the original section.

LEGISLATIVE BILL 249. By Cullan, 49th District.
This bill introduced on behalf of: self and the people of Nebraska.

A BILL FOR AN ACT relating to the Department of Health; to amend sections 71-2602, 71-2603, 71-2605, 71-2606, 71-2607, 71-2609, 71-2610, 81-102, 81-108, and 81-109, Reissue Revised Statutes of Nebraska, 1943, and section 71-2601, Revised Statutes Supplement, 1980; to create an advisory committee; to provide for membership; to change provisions for the appointment of the Director of Health; to change qualification provisions; to harmonize provisions; to provide for the transfer of certain duties; to provide duties for the Revisor of Statutes; and to repeal the original sections, and also sections 71-2604, 71-2608, and 71-2612 to 71-2616, Reissue Revised Statutes of Nebraska, 1943, and section 71-2611, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 250. By Labedz, 5th District.
This bill introduced on behalf of: Commission on Hearing Impaired.

A BILL FOR AN ACT to amend sections 71-4720, 71-4724 to 71-4726, 71-4728, and 71-4729, Revised Statutes Supplement, 1980, relating to the Commission for the Hearing Impaired; to change certain terms; to change procedures for holding meetings and electing officers; to provide duties as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 251. By Beutler, 28th District.

This bill introduced on behalf of: tempted educators.

A BILL FOR AN ACT to amend section 79-2637, Revised Statutes Supplement, 1980, relating to schools; to change certain provisions for computing state aid to technical community colleges; and to repeal the original section.

LEGISLATIVE BILL 252. By Beutler, 28th District.
This bill introduced on behalf of: the people.

A BILL FOR AN ACT to amend sections 46-204, 46-234, and 46-235, Reissue Revised Statutes of Nebraska, 1943, relating to ground water; to provide for denial of water applications in the public interest; to define terms; to provide considerations prior to transbasin diversions; and to repeal the original sections.

LEGISLATIVE BILL 253. By DeCamp, 40th District.
This bill introduced on behalf of: people who hate litter.

A BILL FOR AN ACT relating to litter; to amend section 28-523, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1536, 81-1541, 81-1542, 81-1549 to 81-1553, 81-1556 to 81-1561, 81-1563, 81-1565, and 81-1566, Revised Statutes Supplement, 1980; to change a penalty provision; to define and redefine terms; to change provisions relating to litter receptacles and fees; to provide a litter fee for certain retailers; to provide duties for the Department of Revenue; to provide a penalty; to eliminate a grant restriction; to change the termination date; to repeal the original sections, and also section 81-1564, Revised Statutes Supplement, 1980; and to declare an emergency.

LEGISLATIVE BILL 254. By Sieck, 24th District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT to amend section 79-1270, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to require health education instruction as prescribed; and to repeal the original section.

LEGISLATIVE BILL 255. By Hefner, 19th District; Von Minden, 17th District; Fitzgerald, 14th District; Wagner, 41st District; DeCamp, 40th District; Chronister, 18th District; Wesely, 26th District; Fowler, 27th District.
This bill introduced on behalf of: Veterans Groups in Nebraska.

A BILL FOR AN ACT to amend section 80-401, Revised Statutes Supplement, 1980, relating to the Nebraska Veterans' Aid Fund; to increase such fund; to provide for appropriations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 256. By Higgins, 9th District.
This bill introduced on behalf of: Nebraska taxpayers.

A BILL FOR AN ACT to amend section 77-2708, Reissue Revised Statutes of Nebraska, 1943, relating to sales and use tax; to change provisions relating to reimbursement for costs of collecting a tax; and to repeal the original section.

LEGISLATIVE BILL 257. By Wesely, 26th District; Fowler, 27th District; DeCamp, 40th District.
This bill introduced on behalf of: LR 305 Committee.

A BILL FOR AN ACT relating to energy; to amend sections 18-1720, 57-703, 57-705, 70-655, and 70-1017, Reissue Revised Statutes of Nebraska, 1943, and sections 76-1622, 77-2715, 77-3424, and 81-1611, Revised Statutes Supplement, 1980; to define terms; to change distribution of funds; to change a tax rate; to create a fund; to provide duties; to authorize certain rate reductions; to provide reports of utility bills to certain buyers; to define terms; to change procedures for certain hearings; to change application requirements; to change provisions relating to distribution of electricity; to change provisions for certain loans; to redefine terms; to adopt a standard; to provide legislative findings; to allow certain tax credits; and to repeal the original sections.

LEGISLATIVE BILL 258. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Fenger, 45th District; Beyer, 3rd District; Von Minden, 17th District; Cullan, 49th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 53-124, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to provide a retail license as prescribed; and to repeal the original section.

LEGISLATIVE BILL 259. By Newell, 13th District; Wesely, 26th District.
This bill introduced on behalf of: Metropolitan Educators.

A BILL FOR AN ACT to amend section 79-1255, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to redefine a term; to change procedures for contracting with teachers or administrators; to provide procedure for terminating such contracts; to restrict board members from voting as prescribed; to repeal the original section, and also sections 79-1256 to 79-1260, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 260. By Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Fenger, 45th District; Wesely, 26th District; R. Peterson, 21st District; Barrett, 39th District; Higgins, 9th District; Maresh, 32nd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 23-343.03, Reissue Revised Statutes of Nebraska, 1943, and section 23-343.01, Revised Statutes Supplement, 1980, relating to counties; to provide for the election of a treasurer for the county hospital or health facility board of trustees; to provide duties; to grant certain powers to the board of trustees; and to repeal the original sections.

LEGISLATIVE BILL 261. By Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Fenger, 45th District; R. Peterson, 21st District; Barrett, 39th District; Higgins, 9th District; Maresh, 32nd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 68-1006, Reissue Revised Statutes of Nebraska, 1943, relating to public assistance; to provide a procedure for determining payment amounts; and to repeal the original section.

LEGISLATIVE BILL 262. By Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Fenger, 45th District; Wesely, 26th District; R. Peterson, 21st District; Barrett, 39th District; Higgins, 9th District; Maresh, 32nd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 71-5027, Revised Statutes Supplement, 1980, relating to alcoholism services; to provide for drug abuse services; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 263. By Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Fenger, 45th District; Wesely, 26th District; R. Peterson, 21st District; Barrett, 39th District; Higgins, 9th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 71-317, Reissue Revised Statutes of Nebraska, 1943, and section 71-162, Revised Statutes Supplement, 1980, relating to public health; to increase the examination fees for embalming and funeral directing licenses; to increase certain fees and a per diem as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 264. By Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Fenger, 45th District; Wesely, 26th District; R. Peterson, 21st District; Barrett, 39th District; Higgins, 9th District; Maresh, 32nd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 83-383 and 83-388, Reissue Revised Statutes of Nebraska, 1943, relating to residential facilities for the mentally retarded; to change provisions on age as it relates to admission and continued residence applications; and to repeal the original sections.

LEGISLATIVE BILL 265. By Wiitala, 31st District.
This bill introduced on behalf of: City of Omaha.

A BILL FOR AN ACT to amend section 71-1524, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to provide a requirement for certain housing authority commissioners; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS
Appropriations

1981 Agency Budget Hearings
Room 1003, State Capitol

Monday, January 26, 1981
1:30 p.m.

Auditor of Public Accounts
Investment Council
State Treasurer
Banking and Finance
State Fire Marshal

Tuesday, January 27, 1981
1:30 p.m.

Secretary of State
Liquor Control Commission
Public Service Commission

Department of Insurance
Real Estate Commission

Wednesday, January 28, 1981
1:30 p.m.

State Bd. of Agriculture
State Racing Commission
Equal Opportunity Commission
Motor Vehicle Dealers Licensing
Political Accountability and Disclosure Commission

Thursday, January 29, 1981
1:30 p.m.

Athletic Commissioner
Bd. of Public Accountancy
Educational Lands and Funds
Bd. of Examiners for Land Surveyors
Bd. of Exam. for Engineers and Architects
Bd. of Exam. for Landscape Architects
Bd. of Examiners for Abstracters

Monday, February 2, 1981
1:30 p.m.

Indian Commission
Mexican-American Commission
Comm. on the Status of Women
Veteran's Affairs
Comm. on the Hearing Impaired

Tuesday, February 3, 1981
1:30 p.m.

Arts Council
Historical Society

Wednesday, February 4, 1981
1:30 p.m.

Department of Revenue
State Patrol
Brand Committee

Thursday, February 5, 1981
1:30 p.m.

State Energy Office
Oil and Gas Conservation Comm.
Power Review Board
Ag Products Industrial Utiliz.

Monday, February 9, 1981
1:30 p.m.

Public Employees Retirement Board
Workmen's Compensation Court
Department of Personnel

7:00 p.m.
Room 1520

Public Testimony on Suggestions for the 1981-82 State Salary Policy and Public Hearing on LB 116

Tuesday, February 10, 1981
1:30 p.m.

Commission on Industrial Relations
Crime Commission
Crime Victims' Reparations Bd.
State Claims Board

Wednesday, February 11, 1981
1:30 p.m.

Agricultural Activities
Dept. of Economic Development
Library Commission

Thursday, February 12, 1981
1:30 p.m.

Department of Roads

Tuesday, February 17, 1981
1:30 p.m.

Natural Resources Commission
Department of Water Resources
Dept. of Environmental Control

Wednesday, February 18, 1981
1:30 p.m.

Military Department
Game and Parks Commission

Thursday, February 19, 1981
1:30 p.m.

Board of Pardons
Jail Standards
Dept. of Corrections

Friday, February 20, 1981
1:30 p.m.

Dept. of Motor Vehicles
Dept. of Aeronautics
Dept. of Administrative Serv.

Monday, February 23, 1981
1:30 p.m.

Department of Labor
Dept. of Public Institutions

Tuesday, February 24, 1981
1:30 p.m.

Board of Barber Examiners
Department of Health
Department of Agriculture

Wednesday, February 25, 1981
1:30 p.m.

Department of Welfare
Commission on Aging

Thursday, February 26, 1981
1:30 p.m.

Attorney General
Supreme Court
District Courts

Monday, March 2, 1981
1:30 p.m.

Department of Education
Educational TV Commission

Tuesday, March 3, 1981
1:30 p.m.

Coordinating Commission for Postsecondary Education
Technical Community Colleges

Wednesday, March 4, 1981
1:30 p.m.

State College Board
State Colleges

Thursday, March 5, 1981
1:30 p.m.

University of Nebraska

Friday, March 6, 1981
1:30 p.m.

Legislative Council
Governor
Lt. Governor
Policy Research Office

(Signed) Jerome Warner, Chairperson

EASE

The Legislature was at ease from 10:55 a.m. until 11:31 a.m.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 172 through 205.

Legislative Bill 95 was re-referred to the Public Health and Welfare Committee from the Judiciary Committee.

LB	Committee
172	Revenue
173	Agriculture and Environment
174	Judiciary
175	Judiciary
176	Business and Labor
177	Revenue
178	Revenue
179	Revenue
180	Judiciary
181	Public Works
182	Education
183	Appropriations
184	Agriculture and Environment
185	Banking, Commerce and Insurance
186	Government, Military and Veterans Affairs
187	Banking, Commerce and Insurance
188	Business and Labor
189	Judiciary
190	Public Works
191	Business and Labor
192	Judiciary

193	Miscellaneous Subjects
194	Urban Affairs
195	Banking, Commerce and Insurance
196	Urban Affairs
197	Revenue
198	Public Works
199	Banking, Commerce and Insurance
200	Public Works
201	Business and Labor
202	Judiciary
203	Nebraska Retirement Systems
204	Government, Military and Veterans Affairs
205	Judiciary

(Signed) Senator Howard Lamb, Chairperson
Legislative Council Executive Board

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 266. By Wesely, 26th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to the State Fire Marshal; to provide duties; and to provide for adoption of a code as prescribed.

LEGISLATIVE BILL 267. By R. Peterson, 21st District.
This bill introduced on behalf of: Dentists Peer Review Committee.

A BILL FOR AN ACT relating to evidence; to prohibit the introduction of certain proceedings and records by dental review committees.

LEGISLATIVE BILL 268. By Chambers, 11th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 43-512, Revised Statutes Supplement, 1980, relating to aid to dependent children payments; to increase the maximum aid as prescribed; and to repeal the original section.

LEGISLATIVE BILL 269. By Hefner, 19th District; R. Peterson, 21st District.
This bill introduced on behalf of: mental health patients in Nebraska.

A BILL FOR AN ACT relating to mental health care; to require development of a comprehensive plan; to provide duties for the Director of Public Institutions; and to declare an emergency.

LEGISLATIVE BILL 270. By Burrows, 30th District.
This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT to amend section 71-1902, Reissue Revised Statutes of Nebraska, 1943, relating to child care; to increase to six the number of children a person may care for without a license; and to repeal the original section.

LEGISLATIVE BILL 271. By DeCamp, 40th District.
This bill introduced on behalf of: Nebraskans.

A BILL FOR AN ACT relating to loans; to provide for preauthorized loans as prescribed; to define terms; to provide powers for the Department of Banking and Finance; and to declare an emergency.

LEGISLATIVE BILL 272. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Fitzgerald, 14th District; Haberman, 44th District; Remmers, 1st District; Labedz, 5th District; Clark, 47th District; Schmit, 23rd District; Landis, 46th District.
This bill introduced on behalf of: Nebraskans.

A BILL FOR AN ACT to adopt a revised version of the Uniform Limited Partnership Act; to provide for severability; to provide an operative date; and to repeal sections 67-201, 67-203 to 67-208, 67-211 to 67-218, 67-220 to 67-224, and 67-226 to 67-231, Reissue Revised Statutes of Nebraska, 1943, and sections 67-202, 67-209, 67-210, 67-219, 67-225, and 67-232, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 273. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Haberman, 44th District; Remmers, 1st District; Labedz, 5th District; Clark, 47th District; Landis, 46th District; Schmit, 23rd District; Fitzgerald, 14th District.
This bill introduced on behalf of: Banking, Commerce and Insurance Committee Interim Study.

A BILL FOR AN ACT relating to risk management; to amend sections 11-201.01, 11-202, 11-203, 44-1615, 44-1616, 44-1622, 44-1623, 44-1630, 48-194, 48-197, 48-1,103, 48-1,107, 48-1,109, 60-1008, 81-8,212, 81-8,220, 81-8,225, 81-8,233, and 81-8,236, Reissue Revised Statutes of Nebraska, 1943, and sections 11-201, 48-1,104, and 81-8,226, Revised Statutes Supplement, 1980; to create a Risk Management Program; to provide for a Risk Manager; to create funds; to establish procedure for indemnification of state employees; to change provisions relating to state bonds; to eliminate certain duties of the Department of Insurance; to change provisions relating to the State Employee's Insurance Fund; to change provisions of the workmen's compensation law and the Workmen's Compensation Claims Fund; to change the administration of the State Claims Board as prescribed; to change the membership of such board; to provide for a budget; to provide duties for the Attorney General; to eliminate a duty of the Department of Aeronautics; and to repeal the original sections, and also sections 44-3,102, 44-3,103, and 60-1009, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 274. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Remmers, 1st District; Labedz, 5th District; Fitzgerald, 14th District; Schmit, 23rd District; Landis, 46th District; Haberman, 44th District; Clark, 47th District.
This bill introduced on behalf of: some representatives of Property & Casualty Insurance Industry.

A BILL FOR AN ACT relating to insurance; to provide education requirements for insurance agents, brokers, and consultants; to define terms; and to provide duties for the Director of Insurance.

LEGISLATIVE BILL 275. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Remmers, 1st District; Labedz, 5th District; Fitzgerald, 14th District; Schmit, 23rd District; Clark, 47th District; Landis, 46th District; Haberman, 44th District.
This bill introduced on behalf of: Nebraskans.

A BILL FOR AN ACT to amend section 44-2406, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Insurance Guaranty Association Act; to change claim obligatons as prescribed; and to repeal the original section.

LEGISLATIVE BILL 276. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Remmers, 1st District; Labedz, 5th District; Fitzgerald, 14th District; Clark, 47th District; Haberman, 44th District; Landis, 46th District.
This bill introduced on behalf of: Nebraskans.

A BILL FOR AN ACT to amend section 72-1246, Reissue Revised Statutes of Nebraska, 1943, relating to investment of state funds; to change authorized investments; and to repeal the original section.

LEGISLATIVE BILL 277. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Labedz, 5th District; Clark, 47th District; Fitzgerald, 14th District; Schmit, 23rd District.
This bill introduced on behalf of: Nebraskans.

A BILL FOR AN ACT to amend section 45-101.04, Revised Statutes Supplement, 1980, relating to interest; to change provisions relating to certain loans; and to repeal the original section.

LEGISLATIVE BILL 278. By Goodrich, 20th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1980, relating to taxation; to authorize a refund of certain sales taxes; and to repeal the original section.

LEGISLATIVE BILL 279. By Chronister, 18th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend section 48-648, Reissue Revised Statutes of Nebraska, 1943, relating to unemployment security; to provide for payment from two or more employers of an individual as prescribed; and to repeal the original section.

LEGISLATIVE BILL 280. By Wesely, 26th District.
This bill introduced on behalf of: Nebraska Sheriff's and Peace Officers Association.

A BILL FOR AN ACT relating to abandoned or unclaimed property; to provide for the sale or disposal of certain unclaimed property as prescribed.

LEGISLATIVE BILL 281. By Chambers, 11th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 23-1114, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to change provisions relating to salaries; and to repeal the original section.

LEGISLATIVE BILL 282. By Chambers, 11th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 23-1114.02 to 23-1114.07, Reissue Revised Statutes of Nebraska, 1943, relating to county officers; to change compensation for such officers as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 283. By Vickers, 38th District.
This bill introduced on behalf of: Nebraska Cooperative Council.

A BILL FOR AN ACT to amend sections 21-1303, 21-1402, 21-1403, 21-1404, and 21-1405, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to change certain provisions relating to stock and nonstock cooperatives; to provide powers and duties; and to repeal the original sections, and also sections 21-1409 and 21-1413, Reissue Revised Statutes of Nebraska, 1943.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered January 12 through January 15, 1981. Further lists listing additional lobbysits who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Altic, Fred R., Omaha - Nebraska State Lodge Fraternal Order of Police
Anderson, Robert L., Lincoln - Association Services, Inc.
Bartee, Robert D., Lincoln - University of Nebraska
Cutshall, Bruce A., Lincoln - Nebraska Association of Center Pivot Manufacturers
Fischer, Ralph J., Beatrice - General Agricultural Services, Ltd.
Garey, Robert W., Hastings - Nebraska Funeral Directors Association, Nebraska Veterinary Medical Association
Hawco, Thomas M., CLU, Lincoln - Nebraska State Association of Life Underwriters
Heineman, Dave, Lincoln - Nebraska Republican Party
Jeffrey, Jean S., Lincoln - Junior League of Lincoln
Keetle, Roger S., Lincoln - Nebraska Hospital Association
Kunz, David B., Hastings - Flex-o-Lite Garey Management Organization, Inc., Nebraska Lodging Association, Nebraska

Optometric Association, Nebraska State Association of Life Underwriters
Licht, Alice L., Lincoln - Nebraska Fertilizer & Ag-Chemical Institute, Inc., Nebraska Grain & Feed Dealers Association
Mehmken, Roy E., Lincoln - Dr. Jerry Burkey, D.V.M.
Miller, Kent O., North Platte - Twin Platte Natural Resources District
Mohatt, Earl A., Omaha - Nebraska State Lodge Fraternal Order of Police
Noren & Burns:
  Noren, Charles F., Lincoln - Omaha Association of Firefighters, Local #385
Pierson, David C., Lincoln - Nebraska Realtors Association
Rolofson, E. L., Lincoln - Nebraska Weed Control Association
Ryan, James E., Lincoln - Association for Better Financial Services in Nebraska, Inc., Minnesota Mining & Manufacturing Company, Nebraska Association of Tobacco Distributors, Nebraska Liquor Wholesalers Association, Nebraska Motor Carriers' Association, Nebraska Public Power District
Sindelar, Tim, Lincoln - Legal Services of Southeast Nebraska
Witmer, Deborah F., San Francisco - Sohio Petroleum Company
Wruck, George T., Omaha - Associated Credit Bureaus of Nebraska, Inc., Nebraska Collectors Association, Inc., Omaha Federation of Advertising

ADJOURNMENT

At 11:37 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 10:00 a.m., Monday, January 19, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 19, 1981

LEGISLATIVE JOURNAL

NINTH DAY - JANUARY 19, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 19, 1981

Pursuant to adjournment, the Legislature met at 10:05 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. J. Benjamin Roe, Doctor of Ministry, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan, Goodrich, Hoagland, Newell, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 178, line 11, correct spelling of "Gangler."
Page 201, line 20, strike "H. Johnson" and insert "L. Johnson."
The Journal for the Eighth Day was approved as corrected.

ATTORNEY GENERAL'S OPINION

Opinion No. 4
January 15, 1981

Dear Senator Sieck:

By letter dated January 13, 1981, you requested from this office an opinion on the constitutionality of LB 58 introduced in the 1981 legislative session. Inasmuch as your letter did not reveal constitutional concern for any particular aspect of LB 58, and not wanting to engage in guesswork or speculation, we limited our review to two issues and conclude as follows:

LB 58 envisions a grant of power only to airport authorities of cities of the primary class. While the Legislature may make reasonable classifications of persons, property or corporations, including public corporations, for the purpose of legislation concerning them, Article III, Section 18, of the Nebraska Constitution requires that such classifications must rest upon real differences in situation and circumstances surrounding the members of any class relative to the subject of the legislation. The obvious question which arises from recognition of this precept is whether there is any valid reason for limiting the grant of power to so transfer title to land only to airport authorities of primary class cities. It strikes us that there may well be no such valid reason, and if so, LB 58 is constitutionally suspect.

Second, we note that LB 58 would empower airport authorities of primary class cities to transfer title to land for research purposes only to nonprofit corporations. This gives rise to the question of whether LB 58 grants a special privilege, right, or power to a class of entities, nonprofit corporations, which also is forbidden by Article III, Section 18, of the Nebraska Constitution. The answer to this question will depend on whether there is a substantial difference of situation or circumstance relative to nonprofit corporations that would naturally suggest the limitation of the grant of power envisioned by LB 58 to such corporations. Frankly, we are not able to resolve this question on the basis of the scant information incorporated in LB 58 and your January 13 letter. Nevertheless, we felt this issue important enough to call to your attention.

Yours truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Shanler D. Cronk
Assistant Attorney General

SDC:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

MESSAGE FROM THE STATE TREASURER

January 16, 1981

President Luedtke, Speaker Marvel,
and Members of the 87th, 1st Session,
Nebraska Legislature

Section 84-602, Revised Statutes of Nebraska, Reissue of 1976, requires, as a duty of the State Treasurer, to report "a detailed statement of the condition of the treasury and its operations for the preceding fiscal year."

Your present Treasurer is unaware of the complete intent of the "detailed statement" wording, to which this statute makes reference. Alternatively, we respectfully suggest that any legislator or interested person seeking more complete treasury information will be promptly assisted by our staff to interpret and inspect any treasury record.

Our records indicate that during the last fiscal period, July 1, 1979, to June 30, 1980, we received, deposited, and accounted for a total of $714,724,345.61. The balance on hand July 1, 1980, was $116,375,759.36. This was the best position of liquidity during my six (6) years in office, and the best ever in Treasury operation, history.

January 1, 1981, the treasury balance remained at $158,136,068.28 which reflects a very acceptable cash flow position.

This communication is not the place to describe in detail the latest innovative treasury management practices, in use. We do want to encourage inquiries and observatory visits whenever the Senators are so inclined.

Sincerely yours,
(Signed) Frank Marsh
State Treasurer

REPORTS

Received report from Metropolitan Technical Community College in regard to LB 1004, 1980.

Received report from Department of Correctional Services in regard to LB 1004, 1980.

Received report from Department of Roads in compliance with LB 722, Section 5(4).

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LB 72	Friday, January 30, 1981	1:30 p.m.
LB 74	Friday, January 30, 1981	1:30 p.m.
LB 73	Thursday, February 5, 1981	1:30 p.m.
LB 75	Thursday, February 5, 1981	1:30 p.m.
LB 49	Friday, February 6, 1981	1:30 p.m.
LB 100	Friday, February 6, 1981	1:30 p.m.

(Signed) Bernice Labedz, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 284. By DeCamp, 40th District.
This bill introduced on behalf of: Nebraskans.

A BILL FOR AN ACT to amend sections 77-3424 and 77-3425, Revised Statutes Supplement, 1980, relating to political subdivisions; to provide state financial assistance to political subdivisions; to create a fund; to provide for distribution of state aid; to provide duties; to remove certain funds from the limits set on the budgets of political subdivisions; to provide severability; to repeal the original sections, and also sections 77-1204 and 77-1205, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 285. By Clark, 47th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 39-1309, Reissue Revised Statutes of Nebraska, 1943, relating to state highways; to provide duties for the Director-State Engineer; to change provisions relating to the designation of the state highway system; and to repeal the original section.

LEGISLATIVE BILL 286. By H. Peterson, 35th District.
This bill introduced on behalf of: Nebraska Committee for Children and Youth.

A BILL FOR AN ACT relating to county courts sitting as a juvenile court; to amend sections 25-1901 and 43-202.03, Reissue Revised Statutes of Nebraska, 1943; to change certain provisions relating to appeals; and to repeal the original sections.

LEGISLATIVE BILL 287. By Rumery, 42nd District.
This bill introduced on behalf of: Commission on Aging.

A BILL FOR AN ACT relating to retirement; to amend sections 79-1032 and 79-1258, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2315, 79-1057, 79-1521, 84-1317, and 85-606, Revised Statutes Supplement, 1980; to eliminate the mandatory retirement age; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 288. By Rumery, 42nd District.
This bill introduced on behalf of: Commission on Indian Affairs.

A BILL FOR AN ACT to amend section 84-1301, Revised Statutes Supplement, 1980, relating to the State Employees Retirement Act; to provide an exception to such act; and to repeal the original section.

LEGISLATIVE BILL 289. By Kahle, 37th District.
This bill introduced on behalf of: Committee for Children and Youth.

A BILL FOR AN ACT to amend section 43-209, Reissue Revised Statutes of Nebraska, 1943, relating to infants; to change provisions relating to termination of parental rights; to provide procedure; and to repeal the original section.

LEGISLATIVE BILL 290. By Clark, 47th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend section 60-311, Revised Statutes Supplement, 1980, relating to motor vehicles; to provide for bids for license plates; and to repeal the original section.

LEGISLATIVE BILL 291. By Von Minden, 17th District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT relating to public health and welfare; to prohibit the sale of certain cans with removable tabs as prescribed; to provide a penalty; and to provide an operative date.

LEGISLATIVE BILL 292. By Maresh, 32nd District; DeCamp, 40th District.
This bill introduced on behalf of: Good Government.

A BILL FOR AN ACT relating to state government; to provide for a state forms management program; to provide duties for the Department of Administrative Services; and to provide an operative date.

LEGISLATIVE BILL 293. By DeCamp, 40th District.
This bill introduced on behalf of: cancer patients.

A BILL FOR AN ACT to adopt the Therapeutic Research Act; to amend section 28-416, Revised Statutes Supplement, 1980; to provide for penalties; to provide for termination of this act; to provide for severability; and to repeal the original section.

LEGISLATIVE BILL 294. By Nichol, 48th District.
This bill introduced on behalf of: Mexican American people, western Nebraska.

A BILL FOR AN ACT relating to state administrative departments; to amend sections 81-101, 81-102, 81-8,262, 81-8,265, 81-8,269, and 81-8,271, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,270, Revised Statutes Suppplement, 1980; to create the Department of Mexican-American Affairs; to provide for appointment of a director; to provide duties; to eliminate the Commission on Mexican-Americans; and to repeal the original sections, and also sections 81-8,263, 81-8,264, 81-8,267, and 81-8,268, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,266, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 295. By Nichol, 48th District.
This bill introduced on behalf of: Citizens of western Nebraska.

A BILL FOR AN ACT relating to state administrative departments; to amend sections 81-101 and 81-102, Reissue Revised Statutes of Nebraska, 1943, and section 68-1104, Revised Statutes Supplement, 1980; to create the Department of Aging Services; to provide for appointment of a director; to provide duties; to eliminate the Commission on Aging; and to repeal the original sections, and also sections 68-1101 to 68-1103, 68-1105, and 68-1106, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 296. By Cope, 36th District.
This bill introduced on behalf of: Kearney Volunteer Fire Department.

A BILL FOR AN ACT relating to smoke detectors; to define terms; to provide duties for the State Fire Marshal; to require the installation and use of smoke detectors as prescribed; and to provide a penalty.

LEGISLATIVE BILL 297. By Burrows, 30th District.
This bill introduced on behalf of: The people of the State of Nebraska.

A BILL FOR AN ACT to amend sections 32-216, 32-216.01, and 32-221, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to provide for registration of electors on the day of primary and general elections as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 298. By V. Johnson, 8th District.
This bill introduced on behalf of: Nebraska Manufactured Housing Institute.

A BILL FOR AN ACT relating to city planning; to amend sections 14-402, 15-1102, and 19-903, Reissue Revised Statutes of Nebraska, 1943; to provide that land be zoned for mobile homes as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 299. By V. Johnson, 8th District.
This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT to repeal section 77-202.46, Revised Statutes Supplement, 1980, relating to the exemption of certain earthmoving equipment from taxation.

LEGISLATIVE BILL 300. By Fowler, 27th District.
This bill introduced on behalf of: taxpayers.

A BILL FOR AN ACT to amend section 77-2734, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to increase the corporate income tax rate; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 301. By Chronister, 18th District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT to amend section 33-117, Revised Statutes Supplement, 1980, relating to fees; to change provisions relating to fees and cost of service; and to repeal the original section.

LEGISLATIVE BILL 302. By Wesely, 26th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to public power; to amend sections 79-1007 and 79-1012, Revised Statutes Supplement, 1980; to require a state twenty-year power supply plan; to establish additional criteria; to provide duties; to provide definitions; and to repeal the original sections.

LEGISLATIVE BILL 303. By Beutler, 28th District.
This bill introduced on behalf of: people of the 28th District.

A BILL FOR AN ACT to amend sections 79-464 and 79-803.10, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to vacancies as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 304. By Beutler, 28th District.
This bill introduced on behalf of: people of the 28th District.

A BILL FOR AN ACT to amend section 77-2715.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.01, Revised Statutes Supplement, 1980, relating to revenue and taxation; to require public notice of meetings; to authorize adjustments in tax rates as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 305. By Beutler, 28th District.
This bill introduced on behalf of: people of the 28th District.

A BILL FOR AN ACT to amend sections 79-201, 79-204, 79-205, and 79-206, Reissue Revised Statutes of Nebraska, 1943, relating to compulsory education; to raise age limits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 306. By Higgins, 9th District.
This bill introduced on behalf of: Nebraska Association of County Officials.

A BILL FOR AN ACT to amend section 77-3424, Revised Statutes Supplement, 1980, relating to revenue and taxation; to provide an exception to budgetary limitations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 307. By Higgins, 9th District.
This bill introduced on behalf of: Nebraska Taxpayers.

A BILL FOR AN ACT relating to political subdivisions; to amend section 18-1401, Revised Statutes Supplement, 1980; to declare intent; to restrict the use of public funds for private organizations as prescribed; to change provisions relating to expenditures for municipal publicity; and to repeal the original section.

LEGISLATIVE BILL 308. By Fenger, 45th District.
This bill introduced on behalf of: Bellevue School System.

A BILL FOR AN ACT to amend section 79-801, Revised Statutes Supplement, 1980, relating to schools; to change provisions for annexation of Class III school district territory; to provide for continued attendance in certain school districts; to eliminate provisions relating to elections as prescribed; and to repeal the original section.

LEGISLATIVE BILL 309. By Wiitala, 31st District.
This bill introduced on behalf of: School Districts of Nebraska.

A BILL FOR AN ACT to amend section 79-406, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to allow the transfer of certain property to an adjoining school district as prescribed; and to repeal the original section.

LEGISLATIVE BILL 310. By Kremer, 34th District.
This bill introduced on behalf of: A Rural Fire District.

A BILL FOR AN ACT to amend section 35-514, Reissue Revised Statutes of Nebraska, 1943, relating to fire companies and firefighters; to change procedures for annexation of territory to a fire protection district; and to repeal the original section.

MOTION - Escort Chief Justice

Mr. Nichol moved that a committee of 6 be appointed to escort the Chief Justice for purposes of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Messrs. Nichol, Beutler, V. Johnson, DeCamp, Hoagland, and Landis to serve on said committee.

EASE

The Legislature was at ease from 10:28 a.m. until 10:35 a.m.

The committee escorted Chief Justice Krivosha to the rostrum where he delivered the following message:

STATE OF JUDICIARY MESSAGE

January 19, 1981
Presented By
Chief Justice Norman Krivosha
Nebraska Supreme Court

Mr. President, Mr. Speaker, Distinguished Senators, Fellow Nebraskans:

May I begin this first State of the Judiciary Message by expressing to each of you the Court's profound appreciation for your very kind invitation and for the opportunity of sharing with you the state of the Nebraska Judiciary.

This report which I present to you this morning is the report of the Supreme Court of Nebraska and not just the report of the Chief Justice. Just as a board of directors operates with its appointed members and a chairman of the board, so too does your Supreme Court operate. We are a collegial court in which all decisions, both those involving cases pending before us and those affecting the administrative process are reached as a result of a majority of the Court concurring in the action. And while there may not always be unanimity among the Court as to how each and every problem now facing the judicial system in Nebraska should be resolved, nevertheless, each and every member of the Court participates in the decision-making process.

This is the first opportunity that I have had to share with you the Court's thoughts as to what the relationship between the legislative branch of government and the judicial branch of government should be. You are aware, I am sure, that the Constitution imposes upon the Supreme Court two very separate and distinct functions. On the one hand, we are the highest court of this State and as such are assigned by Article V of our constitution the responsibility of reviewing each and every lawsuit which the parties may choose to bring to our Court by way of appeal. In that regard and in connection with that function, the work of this Court and all other courts of this State must of necessity be independent from all outside pressures. It is this very independence which Alexis DeTocqueville, writing more than 100 years ago in his now famous work "Democracy in America," saw as one of the system's most valuable attributes.

In making his observations, he wrote, and I quote: "I have thought it right to devote a separate chapter to the judicial authorities of the United States, lest their great political importance should be lessened in the reader's eyes by a merely incidental mention of them. Confederations have existed in other countries besides America; I have seen Republics elsewhere than upon the shores of the new world alone; the representative system of government has been adopted in several states of Europe; but I am not aware that any nation of the globe has heretofore organized a judicial power in the same manner as the Americans." We must not either ignore or forget this uniqueness of our system. Courts by design do not have constituencies. They are not created to represent the public at large. They have been created by you and the people to represent the law. We are indeed a country of laws and not of men. That distinction plays a significant role in protecting each of us from arbitrary and capricious action of government known to most of the rest of the world.

If the evidence introduced at trial is insufficient to sustain the government's burden to prove guilt beyond a reasonable doubt, courts have no choice but to acquit. If evidence is obtained in violation of an accused's constitutional rights, courts have no choice but to suppress the evidence. No public pressure can or should change that fact. That is the essence of our legal system.

All of us today are angry and upset by the violence and unlawfulness being experienced in our country. But neither the blame for its existence nor the failure to eliminate such crime and violence can be laid at the courthouse door. Courts do not enact constitutions and courts do not pass legislation. The ability of a felon once convicted to obtain his release from prison, at a time far in advance of the announced minimum sentence, is beyond the control of the courts. Statutory ''good-time'' enacted by Legislatures and decisions of parole boards created by Legislatures have much more to say about a prisoner's release than do courts. Statutes requiring that the minimum sentence imposed by a court may not be more than one-third of the maximum cannot be ignored by our courts. And it is boards created by statute and not courts who, after a convicted murderer has been sentenced to be imprisoned for his natural life, commute that life sentence to a term certain, thereby often making the individual eligible for release after 10 or 12 years. If minimum sentences are thought to be too lenient then legislation should be enacted to increase the minimum. I am not advocating such changes. Those decisions are for you. I merely point out that the control over minimum punishment is in your hands, subject only to the dictates of the Eighth Amendment prohibiting cruel and unusual punishment.

The fact of the matter is that the problem of crime and violence in America is a social problem which each of us working together must seek to solve. No one branch of government holds the exclusive key to the solution. Yet, we should not, in our anger and frustration, seek to destroy the very system which DeTocqueville observed and which time has proven is our fortress of freedom. The courts' independence in the decision-making process serves as a significant guardian of that fortress.

There is, however, a second side to the obligations and duties of the Supreme Court and it is this second side which I would like to now address. In 1970 the citizens of the State of Nebraska amended Article V, Section 1, of our State Constitution to provide that the general administrative authority over all courts in this State was to be vested in the Supreme Court and to be exercised by the Chief Justice. Moreover, the article provided that the Chief Justice was to be the executive head of the courts. In a real sense, the Supreme Court has become an Executive Branch of government with regard to the administration of the courts. In those few lines of the Constitution the people of the State of Nebraska placed upon the Supreme Court and its Chief Justice the responsibility for administering and supervising each and every court within the State of Nebraska and all of its personnel.

Yet, that function cannot be performed either alone or in a vacuum. The Constitution has likewise vested in this body, the Legislature, the general authority to adopt and pass laws; to approve budgets; and to set salaries. It should therefore be clear that just as the Executive Branch of government cannot perform its administrative functions without establishing lines of communication with the Legislature, so too the Judicial Branch of government cannot fulfill its administrative functions over the courts without establishing adequate lines of communications with the Legislature. Not only does the clear logic of it compel that conclusion, but, likewise, Article V, Section 25, of our Constitution specifically provides that for the purpose of affecting the administration of justice, the Court may, and when requested by the Legislature, shall certify to the Legislature its conclusions as to desirable amendments or changes in the general laws governing the practice and proceedings in the courts.

What I simply mean to indicate to you is that the Supreme Court is obligated to do more than pass judgment on cases coming before it. It must administer the courts either by promulgating rules under its constitutional, statutory, or inherent authority or come to this body and seek legislative action. For that reason we desire to establish open lines of communication between our two branches of government insofar as the administration of the courts are concerned. We ask to be able to come to you and, as the Constitution suggests, indicate to you when we believe changes need to be made. To be sure, the decision as to whether those changes should be made must, in the final analysis, be yours. But if you are to adequately and effectively carry out your function and we are to adequately and effectively carry out our function, we must have the opportunity of discussing these matters with each other. And, likewise, you must be at liberty and comfortable to discuss with us problems concerning you and affecting the administration of justice so that we might provide you with the benefit of our knowledge and experience, if any, in the area.

To be sure, the Court must not pass upon the specific language of a proposal unless and until the matter, in fact, is brought before the Court in a proper action. But, it appears to us to make good sense and to be in the public's best interest if we can at least discuss with each other general concepts and attempt to arrive at mutual solutions to these problems.

To that end, I am authorized on behalf of the court to invite you to call upon us at your leisure whenever you believe that an appropriate matter needs discussion. As I have indicated, we cannot and should not pass upon the validity of specific language, but we are desirous of providing you with what information and background we may have. And likewise, we would ask you to consider extending to us a similar invitation so that, as the Constitution contemplates, we may, indeed, come to you when we believe that amendments or changes involving the administration of justice are desirable. Such action will not, in any manner, affect either branch of government.

No one for a moment has suggested that either the Executive Branch or the Legislative Branch of government in this State have ever sacrificed their independence by maintaining a relationship, one with the other. I would suggest to you that it will likewise be true that neither the Legislature nor the Judiciary will sacrifice any of its independence if a similar relationship is established between those two branches of government.

Having said that then, I would now like to share with you certain facts concerning the state of the Judiciary. Were I to attempt to provide you in detail at this time with all of the various activities of the Judiciary, I fear that I would have more than overstayed my welcome. I wish not to do so. For that reason, I shall attempt at this time to highlight for you the state of the Judiciary, its activities and future goals, and invite you to obtain from the Court such other and additional information as you may desire with regard to these various matters.

As I start to think about the condition of the Judiciary within our State and the work yet waiting to be done, I am reminded of the very wonderful story concerning the former English Prime Minister, Winston Churchill. The story is told that a group of British subjects paid visit to Churchill, the purpose being to express their displeasure with his behavior. During the course of the discussion, one of the subjects turned to him and said, "Mr. Prime Minister, we are embarrassed by your behavior--your cigar smoking and your brandy drinking. It is reported, Mr. Prime Minister, that you have consumed enough brandy in your lifetime to fill this room to the windowsills." At which point Churchill, it is reported, looked about the room, turned to the subjects and said, "My God, so much yet to do, so little time to do it." Indeed, that is the situation with the Judiciary of this State.

On the positive side, I think that I can report to you without fear of contradiction that the Judiciary of Nebraska, by and large, stands equal or superior to any other courts of this land. While there are exceptions, and those exceptions must be addressed, by and large, the Judiciary of Nebraska is composed of men and women of high integrity, moral character, legal knowledge, and devotion to the principles of equality before the law. In this day and age, that is not something to be lightly considered or quickly overlooked. To be sure, there are problems which we must address, but I am confident that we have both the personnel and the desire to meet the challenges and overcome them. Our Supreme Court is a leader among state courts. Its decisions are well-received and oftentimes cited as authority elsewhere. The individual members of the Court, present company excepted, are recognized nationally for their legal acumen. We need not take a back seat to any other court. We are among the leaders. And, likewise, though faced with numerous obstacles, we have continued to maintain a State Judiciary at the other levels of court which likewise is equal to or better than most state court systems. One may take issue with a judge here or there for reasons real or otherwise, but in the main I am proud to serve as Chief Justice of this state system and I publicly thank each judge of Nebraska for his or her service on the bench. Let me now share with you some of the problems facing the Judiciary now and in the near future.

In both my annual address delivered to the House of Delegates of the Nebraska State Bar Association in October of 1979 and the mid-year address delivered in April of 1980, I shared with the members of the House of Delegates our concern about the condition of the Supreme Court docket. Specifically, in April of 1980 I said, and I quote, "While we have reported to you (members of the House of Delegates) that much progress has been made in improving the docket condition, I must, nevertheless, warn you that there are signs appearing which indicate to us that further consideration must be given and further devices considered if we are to succeed in maintaining a reasonably current docket."

I regret to advise you that those signs which we observed then continue to grow as do our concerns. On January 1, of this year, there was a total of 622 cases docketed in the Supreme Court as compared to 494 cases just one year ago. Likewise, there were 205 cases at issue, unsubmitted, as compared to but 150 just one year ago. And most alarming of all is the statistic which indicates that during the months of September, October, November and December, new cases were filed with the Supreme Court at an average of 76 appeals per month as compared to some 52 per month for the same time a year ago. Should this trend continue, and there is no reason to believe that it will not, it should be apparent to everyone that in the not too distant future a severe and critical condition would exist. Should we continue to receive 75 appeals a month, we would have more than 900 cases per year on the Court docket. No appellate court can dispose of that number of cases and do an adequate job. We are, nevertheless, committed to the view that to the extent humanly possible, we will attempt to anticipate problems and design solutions to those problems before we are submerged into a crisis. We, nevertheless, believe that we must share those problems with you because it may very well be that ultimately we will need your aid and assistance in resolving those problems.

As is so often the case, identifying the problem is much easier than designing the solution. At this point in time we are relatively limited as to the solutions available. We are in part limited by our own judicial structure and in part limited by certain principles which we believe we should attempt to follow until there appears to be no other alternative. One of those principles is to the effect that the Court is intended to be a collegial court and, therefore, the decision-making process should be done by the entire Court whenever possible. Adding members to the Court and sitting in panels, sitting more frequently in division or sitting with only part of the Court each day but for more days per month does not fulfill that principle. The experience of the various federal circuit courts of appeal would seem to support the Court's view that the decision-making process should be by the entire Court for as long as possible and not by panels made up of various members of the Court.

Likewise, the Court adheres to the principle that the decision-making process should be performed by the Court itself and not by professional staff as is sometimes the case in other jurisdictions. Both the bar and the general public expect the decisions to be made by their judges and not by the judges, staff. While these are important principles, they do indeed narrow the posssible alternatives.

One may question whether a docket with 622 cases or 900 is so unmanageable that 7 judges and staff cannot quickly dispose of such matters. However, it should be apparent to anyone familiar with the law that making argument in support of a cause is much easier than making law in answer to those arguments. Experience throughout the country has disclosed that when courts of last resort are called upon to write more opinions than can carefully and thoughtfully be done, problems are quick to occur and only result in more litigation. The decision-making process at the Supreme Court level is indeed a clear example of where "haste makes waste." Decisions should be rendered only after thorough examination of the briefs and records, the cases cited, and, unfortunately, sometimes the cases not cited. The opinions should be drafted and redrafted with care and deliberation so that words are not gratuitously thrown into an opinion thereby creating future uncertainty. As we have already experienced, when we are not permitted that opportunity, confusion does arise. While every effort is made by the Court to minimize that happening at the present time, we recognize that even now such uncertainties occasionally occur and adding to the caseload will only compound those problems.

Should the docket reach 900, each member of the Court would be called upon to write an average of 11 opinions a month. All known methods would indicate that such a goal is not reasonably attainable.

Therefore, with the principles I have described to you in mind and with an understanding of the potential for problems, we began to examine possible alternatives. More than a year ago we began a settlement conference experiment in hopes that by bringing litigants and their lawyers together before argument in the Supreme Court some cases could be settled and removed from the docket. Strangely enough, the experiment has shown some positive signs. During the period beginning April 1, 1979, to and including December 31, 1980, 201 conferences were held before the Honorable Harry Spencer, a retired member of the Supreme Court. As a result of those conferences, 90 cases were settled and removed from the Court docket prior to argument. Strictly on a percentage basis, one would have to conclude that the experiment was successful. Unfortunately, however, because the procedure was voluntary the total number of conferences held were woefully few as compared to the size of the docket. A host more cases could have been disposed of in that fashion had they been brought to conference.

Because the response on a voluntary basis has not been as good as we had hoped it would be and because the results of the conference indicate some positive signs, the Court has now determined that some further experiment should be conducted on a mandatory basis in at least a limited number of cases so that we might determine what the results of such an experiment might be. Therefore, beginning February 1 of this year, we will institute what we now call a Prehearing Conference. All domestic relations cases and all tort cases will be required to go to this Prehearing Conference before any steps are taken in connection with the appeal other than filing the notice of appeal.

We have succeeded in securing the services of not only Justice Spencer but as well, Judge Herbert Ronin and Judge William Colwell, both of whom have distinguished themselves in the past while serving on the District Courts. The meetings will be held within 20 days after the filing of the notice of appeal and before either a transcript or Bill of Exceptions is prepared. The purposes of the meeting with the Prehearing Conference Officer will be several. In the first instance, the parties will meet for the purpose of attempting to narrow the issues. Too often appeals concern matters over which there is either no real dispute or at least should not be any real dispute. Likewise, the parties will attempt to agree on the Bill of Exceptions, the typewritten evidence taken during the course of the trial. Reducing the size of the Bill of Exceptions so that it contains only that evidence necessary for a determination of the appeal will serve several purposes. In the first instance, and not at all of little importance, is the fact that such an agreement may result in a substantial cost savings to the litigants. Bills of Exceptions are costly and whenever pages and volumes can be reduced or eliminated, the corresponding costs can be reduced or eliminated. Too often matters come to the Court with pages and pages of testimony involving the proof of matters over which there is no dispute.

It will not be easy to accomplish this goal. We recognize that. And in some instances there may not be any way to reduce the size of the Bill of Exceptions. Oftentimes it may be important to bring all of the evidence to the Court. Nevertheless, an honest effort will be made to try to minimize wherever possible. In addition, the parties will agree upon the preparation of an appropriate transcript containing the pleadings upon which the case was tried. Again, oftentimes the Court is confronted with a transcript containing far more documents than those that are necessary for the proper disposition of the case. Again, such efforts will serve the same two purposes: (1) reducing the cost of litigation, and (2) reducing the amount of paper which the Court must handle in an effort to try and decide the case.

Further by attempting to narrow the issues and limit, if possible, the matters which the Court must consider and decide, the workload of the Supreme Court may be reduced and, in any event, the size of the briefs will be reduced, thereby again resulting in a cost saving to the litigants.

And finally, the Prehearing Conference Officers will attempt to bring about a settlement between the parties. That aspect is, of course, of great importance in reducing our docket. And if such attempt is unsuccessful, they will recommend to our Court whether oral argument, either in a reduced form or any form should be granted the parties or whether the appeal can be disposed of without oral argument and whether a formal opinion should be written or simply a notice of decision.

Should this experiment prove successful, we will undoubtedly expand the program to cover all cases coming before the Court.

Such a program will require some additional funds, though far less than what would be required by the creation of either additional judges or an intermediate court of appeals. We had included in our budget request this year, funds sufficient to conduct this experiment. The Governor has removed these funds and we ask your favorable consideration in restoring them. The public deserves better. It is indeed a fact, justice delayed is justice denied. We must develop a system whereby such does not occur.

And yet, after all of that, I must nevertheless advise you that the growth of litigation may make it impossible for us to resolve the matters administratively and may, indeed, require us to follow the great number of other states which have been compelled to create an intermediate court of appeals. Before, however, we proceed to that step, we assure you that we will exhaust every reasonable administrative device. If and when we come to you with the suggestion that some form of intermediate court be created, you can rest assured that we will have exhausted everything we know how to implement and have no further alternatives available.

What I have said with regard to the Supreme Court is equally as true with regard to the lower courts. They, too, are experiencing continuing growth. As we have attempted to design programs to attack the docket problem at the Supreme Court level, we shall likewise begin to direct our attention to programs seeking to attack the docket problems at the lower court levels. The Judicial Conference which is made up of representatives of the various courts will be meeting next month and one of the items on the agenda will be that very matter. We shall continue to keep you advised of our progress on these matters.

Another problem which is of vital interest and concern to all today, including your Supreme Court, is the matter of court delay, real or imagined. The Court is of the opinion that the general public feels that oftentimes cases take too long to come to trial and too long to be decided. The evidence presently available to the Court discloses that such is not generally the case in Nebraska, though, to be sure, isolated cases may be found. In fact, that matter of docket control is not yet a serious problem in our State. Nevertheless, the Court believes that some type of rules should be considered for all courts at all levels so that both the court, the lawyers, and the litigants may be advised in advance as to what is expected of them. The Court has therefore appointed Justice William Hastings of our Court to chair a committee to study that problem and to make recommendations to the Supreme Court. After determining the extent of the problem, if any, the committee will be asked to recommend to the Supreme Court what rules should be promulgated that will provide the time frames in which a suit must be brought to issue once it is filed, unless good cause is shown, and once at issue, must be tried, unless good cause is shown; and once tried, must be decided, unless good cause is shown.

In all of these areas it is contemplated that the Supreme Court, in its administrative role, would be acting in a supervisory capacity. We have no idea as to what these rules should look like but we believe that some consideration must now be given to such matter. If for no other reason, the public must be assured that there is some system in operation that does, indeed, assure to them that litigation does not take any longer than is reasonably necessary, though, to be sure, it sometimes seems too long. That committee has already met and is beginning to consider the problem and the Court anxiously awaits their report and recommendations.

Another matter of vital concern to the Court, as it is I know to you, is the matter of unpaid child support. We have become so concerned about this matter that we have now instituted an experimental program in both Douglas County and Lancaster County. Let me say at the outset, however, that this is not a simple problem and the numbers involved, both in dollars and in people, are staggering. It is, indeed, not only a legal problem but a social and moral problem as well. Persons who before divorce refused to recognize their obligation to support their family, do not by reason of divorce gain that insight. Nevertheless, we must make every reasonable effort to try to see that the orders of the court are carried out and that persons entitled to support receive that support. We must, nevertheless, be mindful of the fact that no program which you may design or we may design will be effective absent sufficient funds for adequate personnel to carry out that program. Merely decreeing that one must pay or go to jail without the personnel necessary to carry out that mandate will not work.

We have, however, concluded that perhaps the most effective means of insuring child support collection is to take action before the delinquency gets out of hand. For that reason referees have now been appointed in both Douglas and Lancaster Counties who serve under the direction of the District Court and whose sole and only function is to meet with delinquent parents at the first moment they become delinquent in their payments. The purpose of those discussions with the individual is to try to point out that we are aware of their existence; that we insist that they meet their lawful obligation; and that we do not intend to ignore them. The programs have not been in place long enough to make any value judgment. Nevertheless, early indications are that these programs may prove to be the most effective means of attacking the matter of unpaid child support. We are hopeful that after some additional time and monitoring, we will be in a position to better advise you regarding the success of these programs. At the moment we need no further legislation to implement the programs. We may, however, discover as we proceed, that such additional legislation is necessary and in that case we will so advise you. I should further advise you that because of existing available federal funding, little if any, state or local money has been required to institute these programs.

I should briefly like to report to you that likewise during the past year the Court has further developed and adopted guidelines to limit when courts may be closed to the public and press; has conducted and is now conducting a study to determine whether there are significant disparities in sentencing; has appointed a committee to review ways of reducing cost of litigation and has successfully developed and implemented a personnel code and job description for all of the employees of the Judicial Branch of government under the supervision and control of the Supreme Court. I would like to make particular mention of the Office of the Court Administrator, and to thank the Administrator and his hard-working and dedicated staff for all their efforts during the past year. They have more than adequately met the challenges we have placed upon them and have performed in a most commendable fashion for which the Court is extremely grateful.

Many jurisdictions are now encountering all manner of problems not yet experienced by Nebraska but which time and history discloses will be confronted in Nebraska. We are fortunate to be at a time and a place when we have the privileges of examining many of these matters in our leisure and making critical and careful judgment with regard to them rather than having to make determinations in haste and under crisis. Matters involving the administration of justice should never, if possible, be made in haste.

The Court, therefore, has concluded that it is appropriate to consider potential and future problems and solutions involving the entire judicial system. Appropriate because of the constitutional mandate that the administration of the judicial system is vested in the Supreme Court and appropriate because the Constitution calls upon the Supreme Court specifically to make recommendations to you with regard to proper and necessary changes which should be made in the operations and management of the judicial system. Everyone involved in the matter recognizes that the ultimate decision is vested in the Legislature. No one fails to recognize that fact. Nevertheless, there is a general recognition by the Supreme Court that to the extent possible and with the staff available, we should attempt to put our expertise to work in an effort to bring to you all of the available facts and information so that you may make the appropriate determination. In that regard, then, let me take just another moment to share with you some legislation which has either already been introduced or will be introduced during this session affecting the Judicial Branch of government and its administration.

Amendments to the county courts statutes have been introduced in the form of L.B. 189. Those amendments are the result of some very thoughtful and careful studies by members of both the Nebraska Bar Association and representatives of the County Judges' Association working with the Supreme Court. We believe that the changes that are suggested in that bill will bring about needed improvement within the county court system. The principal changes will be to eliminate the "non-lawyer county judge" and substitute a clerk magistrate. The functions of a clerk magistrate will be limited generally to the handling of non-contested matters and matters which are in the main ministerial and not judicial. In 1970 when the people of the State of Nebraska amended Article V of the Constitution so as to eliminate non-lawyer judges and to provide all Nebraskans with judges who were trained in the law, this one area was left undone. L.B. 189 now completes the promise which was made to the people of the State of Nebraska that the non-lawyer judge would be eliminated. We ask your careful deliberation on this matter.

Likewise, you have or soon will receive a bill proposing certain amendments to the procedures for taking appeals from county courts and municipal courts to the district courts. Again, this is a bill which comes about by reason of a study conducted by a special committee appointed by the Supreme Court and chaired by District Judge Dale Fahrnbruch. We believe that these proposed changes will enhance the procedures whereby appeals are taken from county court and municipal court to district court and, likewise, deserve your careful consideration.

On a further matter, I would like to suggest to you as I have publicly in the past, that consideration should be given at the earliest possible time to merge the municipal courts which exist in Omaha and Lincoln into their respective county courts. The existence of the municipal court is a historical fact whose time, in my view, has come and gone. However, consolidation cannot come about quickly. There are, indeed, a number of problems which must be resolved, not the least of which is the amalgamation of the various staffs. In that regard, I would suggest to you that a study committee be appointed consisting of representatives of this body, of the Judiciary, of the Bar, and of the public at large to the end that a carefully designed, thoughtful program of consolidation can be developed. Consolidation cannot be brought about in this session, but I would be hopeful that a study committee could be appointed that would begin looking at this very necessary problem so that some positive action might be taken in the not-too-distant future.

In another area, the people of the State of Nebraska, in my opinion, wisely amended the Constitution to expand the authority of the Judicial Qualifications Commission. I believe that this expanded authority will afford to the Commission all of the tools necessary to ensure that the quality of the bench will be maintained at the highest level humanly possible. It is a delicate balance which must be maintained. On the one hand, judges must, as I have already indicated, be free and independent so that they can render fair and impartial judgment. On the other hand, courts and judges are created, not for the benefit of lawyers, but rather are created to fulfill the needs of the general public. The public is entitled not only to receive the best services that can be provided, but to believe that the system is so designed and so monitored that, in fact, they are receiving the best services possible.

The Judicial Qualifications Commission can fulfill an important role in maintaining and keeping, on the one hand, the independence of the Judiciary while assuring to the public that such independence is not abused. In that regard, it is necessary for this body, at the earliest possible time, to amend the existing statutes applicable to the Judicial Qualifications Commission so as to repeal those which now exist and adopt new statutes to conform with the constitutional changes. I am anxiously looking forward to the implementation of those statutes and believe that as we proceed with them, the public will be satisfied that their having amended the Constitution was, indeed, in the public's best interest.

Before departing I must make comment about one further matter. Admittedly, I am somewhat reluctant to do so for fear that I may thereby have overstayed my welcome and incur your wrath. I would hope such would not be the case and I apologize in advance. Nevertheless, if I am to provide you with the state of the Judiciary, then I must provide you with information concerning all aspects of the Judiciary. One of the areas which I must mention to you concerns the matter of compensation of judges. It is a matter which lies solely and wholly within your power, but, nevertheless, affects the Judicial Branch of government and its ability to carry out its necessary function.

There are three aspects which make up judicial compensation. One is the relationship of the salaries paid to the judge of the various courts. The second is the actual dollar amount paid. And the third is the future benefits or retirement provided for a judge.

With regard to the matter of the relationship between the judges, a bill has now been introduced which, if approved by you, would establish a system of setting salaries for all judges by setting the salary of the Supreme Court. The District Court and the Separate Juvenile Court would then be paid an amount equal to 92 1/2% of that which is paid to the Supreme Court and all other judges would be paid an amount equal to 85% of that which is paid to the Supreme Court. We believe that system, in and of itself, will be of great aid in furthering the needs of the Judiciary.

The bill as introduced to you is the result of many long hours of debate and discussion and compromise by and between the various judges of the various courts. With the exception of the Workmen's Compensation Court, all of the other judges of Nebraska have agreed that the bill as drafted is indeed an appropriate device to establish the relationship between the various courts and would properly establish their compensation. The numbers were not arrived at by accident, but rather after careful and deliberate consideration of what is now being paid to the various judges and how, if at all, it should be adjusted. Moreover, the adoption of this bill would put an end once and for all to the fighting among the Judiciary as to a share of the available funds and would establish their salaries in an appropriate and dignified manner. We ask your careful and deliberate consideration of this bill and your support of its adoption. I believe it will be significant and helpful in attempting to induce those not now on the bench to join us and to further keep those who are now with us.

The relationship, of course, is not alone sufficient. As I have indicated to you, there are two other aspects of judicial compensation. The second, of course, is the actual dollar amount which is paid. My concern about judicial salaries is not simply because I wish to obtain a raise for myself or for the other members of the Judiciary, though to be sure that is one of the goals. My concern, however, is much greater than that. It is because I wish to maintain the high quality of the Judiciary in this State. As anyone who has had experience with the law can tell you, no lawsuit and no lawyer is better than the judge before whom the case is tried. The best of the lawyers must be those who are willing to come to the bench--else all else is for nought.

I fear that there are signs now appearing on the horizon that indicate that the disparity between what the practitioner, either private or public, receives when compared with the judge is so great that it will be difficult to continue attracting the quality judges which this State needs and deserves. As vacancies occur, fewer and fewer lawyers make application. In Lancaster County with more than 775 lawyers, 8 applied for the vacancy created by the retirement of Judge Herbert Ronin. And of those 8, 6 were already in the public sector. Similar experiences have been noted by us with regard to vacancies in the 6th District and the 11th District. Senior members of lawfirms do not as a rule apply for appointment to the bench. Experienced trial lawyers as a rule do not apply for appointment to the bench. When one compares the salary of the Judiciary with other public sector lawyers, let alone private sector lawyers, one discovers that there is even here a wide disparity. It is difficult to understand why lawyers in the public sector, paid by tax dollars, should be paid considerably more than judges in the public sector, also paid by tax dollars.

When considering the matter of judicial salaries, you must keep in mind that the cannons of judicial ethics preclude a judge from having any other employment, save and except that of a judge; and, likewise, preclude him from serving on any other corporation or board. Likewise, because of the potential for conflict, a member of the Judiciary is extremely limited, if not totally prevented, from having outside investments. A judge must live on his judicial salary by and large. And while, to be sure, it is not a pittance, and I make no claim to that; when one considers what these same individuals might today earn in the public or private sector as a lawyer, one must immediately conclude that a difficult problem exists. Nebraskans deserve the best and not just what can be obtained.

The entire judicial budget represents less than 2% of the total general fund commitment of this State and less than 1% of total appropriations. It would not require a great deal more in terms of the overall budget to ensure that the high quality of the Nebraska Judiciary be maintained for the benefit of the public who must seek justice before that body.

And finally, with regard to the third element of the equation, the matter of retirement, there will be submitted to you a proposal to amend the judges' retirement to conform to what has generally been recommended by your retirement committee. The amendments will simply provide that all judges, regardless of when they came to the court, be under the same type of retirement, rather than the varying types with their inequities which now exist. Again, I would ask your careful consideration of these matters. Your support of these bills will do much to say to those now on the bench and those interested in considering the bench as a career that the people of the State of Nebraska desire the best in their judges and are willing to encourage them to come and stay. It is indeed as true on the bench as it is in the private sector that it is a foolish waste of public funds to spend sums of money training judges until they become most productive and then have them leave the court for other, more lucrative positions.

If, indeed, there are judges who are not performing as you believe they should, the appropriate method to get at that is through the Judicial Qualifications Commission and not through the withholding of salary. If any of you had employees or hiredhands, most of whom worked hard, but one or two of whom did not, I assume that you would direct your wrath against those who were not working hard and not against those who were. By withholding adequate salaries for all judges, you punish those who work hard and who deserve better and leave untouched those who do not.

It was in 1829 that Henry Clay said, and I quote, "Government is a trust and the officers of the government are trustees and both the trust and the trustees are created for the benefit of the people." That description has not lost its appeal by passage of time. Indeed, government is a trust and each of us who serve are co-trustees. And as co-trustees of a trust, we must be ever mindful of the beneficiaries and their needs. We must never let our own anger or our own personal experiences stand in the way of providing for our beneficiaries and fulfilling the mandates of the trust. The Judiciary of the State of Nebraska stands ready to join with you to the extent it is charged by the Constitution to do so in carrying out that mandate.

As I began, so may I now close by again thanking you for your very kind invitation and your patience in listening. I apologize for having overstayed my time, but I believe it was important for us to share these thoughts on this our first occasion together. I am hopeful that you will find this experience of sufficient benefit in the work that you must do that you will again extend to us a similar invitation. In any event, we renew our invitation to work with you in furthering the administration of justice and the fulfilling of our administrative duties. I thank you.

EASE

The Legislature was at ease from 11:15 a.m. until 11:37 a.m.

ANNOUNCEMENT

Mr. Marvel announced a Chairperson's meeting at 9:00 a.m., January 20, 1981 in room 1520.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LR 5, LB 1, and LB 2.

(Signed) Shirley Marsh

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 311. By Stoney, 4th District.
This bill introduced on behalf of: Metropolitan Utilities District.

A BILL FOR AN ACT to amend section 14-1005, Reissue Revised Statutes of Nebraska, 1943, relating to metropolitan water districts; to allow increases in salaries for members of the board of directors as prescribed; to provide for payment of expenses; and to repeal the original section.

LEGISLATIVE BILL 312. By Stoney, 4th District.
This bill introduced on behalf of: Metropolitan Omaha Builders Association.

A BILL FOR AN ACT to amend section 31-735, Reissue Revised Statutes of Nebraska, 1943, relating to sanitary and improvement districts; to change election procedures as prescribed; and to repeal the original section.

LEGISLATIVE BILL 313. By Stoney, 4th District.
This bill introduced on behalf of: Millard School Board.

A BILL FOR AN ACT to amend sections 10-717 and 10-718, Reissue Revised Statutes of Nebraska, 1943, relating to school district bonds; to authorize the issuance of refunding bonds as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 314. By Higgins, 9th District.
This bill introduced on behalf of: people of Nebraska of Limited Means.

A BILL FOR AN ACT to amend section 68-703, Revised Statutes Supplement, 1980, relating to public assistance; to change provisions relating to the rules and regulations of the Director of Public Welfare; to exclude certain funeral payments from available resources; and to repeal the original section.

LEGISLATIVE BILL 315. By Higgins, 9th District.
This bill introduced on behalf of: Nebraska Society of C.P.A.'s.

A BILL FOR AN ACT to amend section 84-301, Reissue Revised Statutes of Nebraska, 1943, relating to state officers; to provide an additional qualification for the Auditor of Public Accounts; and to repeal the original section.

LEGISLATIVE BILL 316. By Education Committee: Koch, 12th District, Chairperson; Vickers, 38th District; Kremer, 34th District; Goll, 16th District; Beutler, 28th District; Hoagland, 6th District; Wiitala, 31st District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 79-488.05, Reissue Revised Statutes of Nebraska, 1943, and sections 79-328 and 79-490, Revised Statutes Supplement, 1980, relating to schools; to change provisions regarding motor vehicles; to change provisions relating to transportation allowances; to create a fund; and to repeal the original sections.

LEGISLATIVE BILL 317. By Education Committee: Koch, 12th District, Chairperson; Vickers, 38th District; Kremer, 34th District; Goll, 16th District; Beutler, 28th District; Hoagland, 6th District; Wiitala, 31st District; Lamb, 43rd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to children; to amend sections 43-626, 43-647, 43-661, and 83-1,143.01, Reissue Revised Statutes of Nebraska, 1943, and sections 43-607 and 43-666, Revised Statutes Supplement, 1980; to provide legislative findings; to provide duties for regional offices of mental retardation; to change provisions relating to placement of mentally retarded individuals; to provide for certain payments; to change provisions relating to enforcement and appeal of certain orders; to change provisions relating to reimbursements and contracts; to provide minimum standards; and to repeal the original sections, and also section 83-1,143.04, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 318. By Education Committee: Koch, 12th District, Chairperson; Goll, 16th District; Lamb, 43rd District; Vickers, 38th District; Kremer, 34th District; Hoagland, 6th District; Wiitala, 31st District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 79-486 and 79-1333.01, Reissue Revised Statutes of Nebraska, 1943, and sections 79-4,102, 79-1333, and 79-1334, Revised Statutes Supplement, 1980, relating to schools; to change provisions relating to determining costs per pupil; to change provisions relating to the tuition rate for certain pupils; to provide for payment of certain state financial assistance in ten monthly payments; to provide procedures for early payment of state financial assistance to certain school districts; to change the amount of total financial support distributed to schools as prescribed; to change provisions relating to the distribution of foundation aid as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 319. By Education Committee: Koch, 12th District, Chairperson; Hoagland, 6th District; Beutler, 28th District; Vickers, 38th District; Goll, 16th District; Wiitala, 31st District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to schools; to provide for the merger of certain Class I school districts; to provide duties of the state and county committees for the reorganization of school districts; to provide procedures; to amend sections 79-411, 79-426.23, 79-426.25, 79-426.26, and 79-1107, Reissue Revised Statutes of Nebraska, 1943, and sections 79-451 and 79-701, Revised Statutes Supplement, 1980; to provide operative dates; and to repeal the original sections, and also sections 79-403, 79-403.01 to 79-403.04, 79-406, 79-407, 79-478, 79-479, and 79-482 to 79-485, Reissue Revised Statutes of Nebraska, 1943, and sections 79-480 and 79-481, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 320. By Education Committee: Koch, 12th District, Chairperson; Vickers, 38th District; Kremer, 34th District; Hoagland, 6th District; Wiitala, 31st District; Goll, 16th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to schools; to amend sections 79-2650, 85-948, 85-962, and 85-963, Revised Statutes Supplement, 1980; to change provisions relating to a Technical Community College Board's power to levy taxes; to change responsibility for associate degree programs in nursing as prescribed; to change provisions relating to transfer degree programs at technical community colleges; to eliminate a restriction on the use of such taxes; and to repeal the original sections, and also section 79-2650.07, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 321. By Education Committee: Koch, 12th District, Chairperson; Vickers, 38th District; Kremer, 34th District; Hoagland, 6th District; Beutler, 28th District; Wiitala, 31st District; Goll, 16th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to adopt the Nebraska Educational Facilities Authority Act; to provide membership of the authority; to define terms; to provide powers and duties; to authorize issuance of revenue bonds for certain projects; and to provide severability.

LEGISLATIVE BILL 322. By Burrows, 30th District; Schmit, 23rd District.

This bill introduced on behalf of: The People of the State of Nebraska.

A BILL FOR AN ACT relating to agriculture; to require the Department of Agriculture to publish reports; to prescribe contents; and to provide procedures.

LEGISLATIVE BILL 323. By Burrows, 30th District.
This bill introduced on behalf of: Elderly Citizens of District 30.

A BILL FOR AN ACT to amend section 48-628, Revised Statutes Supplement, 1980, relating to unemployment benefits; to change a condition disqualifying an applicant as prescribed; and to repeal the original section.

LEGISLATIVE BILL 324. By Landis, 46th District.
This bill introduced on behalf of: Lincoln Firefighters.

A BILL FOR AN ACT to amend section 15-1001.01, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the primary class; to redefine terms relating to pensions; and to repeal the original section.

LEGISLATIVE BILL 325. By Public Works Committee: Kremer, 34th District, Chairperson; Koch, 12th District; Lamb, 43rd District; Wesely, 26th District; DeCamp, 40th District; Hoagland, 6th District; Beutler, 28th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 46-657 and 46-659, Revised Statutes Supplement, 1980, relating to ground water; to define a term; to provide duties; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 326. By Public Works Committee: Kremer, 34th District, Chairperson; Lamb, 43rd District; Wesely, 26th District; Clark, 47th District; Koch, 12th District; DeCamp, 40th District; Hoagland, 6th District.
This bill introduced on behalf of: Natural Resources Commission.

A BILL FOR AN ACT relating to water; to amend sections 2-3271, 23-320.02, and 46-630, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3229, 2-3254, and 2-3279, Revised Statutes of Nebraska, 1943, and sections 2-3229, 2-3254, and 2-3279, Revised Statutes Supplement, 1980; to establish a coordinating committee; to establish an advisory board; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 327. By Landis, 46th District.
This bill introduced on behalf of: life insurance industry.

A BILL FOR AN ACT to amend section 44-371, Revised Statutes Supplement, 1980, relating to insurance; to change provisions relating to exemptions from certain legal processes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 328. By Schmit, 23rd District; Pirsch, 10th District.
This bill introduced on behalf of: Governor's Task Force.

A BILL FOR AN ACT to amend sections 81-1423, 81-1801, 81-1802, 81-1806, 81-1813, and 81-1833, Revised Statutes Supplement, 1980, relating to the Crime Victim's Reparations Board; to make such board subject to the Nebraska Commission on Law Enforcement and Criminal Justice for administrative and budgetary purposes as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 329. By Higgins, 9th District.
This bill introduced on behalf of: Nebraska Insureds.

A BILL FOR AN ACT to amend sections 44-3601 to 44-3607, 44-3609, and 44-3611, Revised Statutes Supplement, 1980, relating to insurance; to include group policies under the act; to change internal references; to define and redefine terms; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 330. By Higgins, 9th District.
This bill introduced on behalf of: Nebraska Insureds.

A BILL FOR AN ACT to amend sections 44-401, 44-409, and 44-414, Reissue Revised Statutes of Nebraska, 1943, relating to insurance reserves; to change provisions relating to such reserves; to change provisions relating to assets and liabilities; and to repeal the original sections.

LEGISLATIVE BILL 331. By Schmit, 23rd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to agricultural products; to promote a program to encourage the development of food products from distillers' grain; to provide duties for the Agricultural Products Industrial Utilization Committee; and to provide for a development gratuity.

LEGISLATIVE BILL 332. By Schmit, 23rd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 77-112, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to include availability of water in the definition of actual value; and to repeal the original section.

LEGISLATIVE BILL 333. By Agriculture and Environment Committee: Schmit, 23rd District, Chairperson; Maresh, 32nd District; Wiitala, 31st District; Wagner, 41st District; Remmers, 1st District; Nichol, 48th District; R. Peterson, 21st District.
This bill introduced on behalf of: Department of Agriculture.

A BILL FOR AN ACT to amend sections 2-3914, 2-3923, 2-3930, and 2-3941, Revised Statutes Supplement, 1980, relating to the Nebraska Manufacturing Milk Act; to redefine terms; to change licensing procedures; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 334. By Koch, 12th District.
This bill introduced on behalf of: Nebraska Coordinating Commission.

A BILL FOR AN ACT relating to the Nebraska Coordinating Commission for Postsecondary Education; to create a cash fund; to create a trust fund; to provide duties; to provide limitations; and to declare an emergency.

LEGISLATIVE BILL 335. By Marsh, 29th District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT to adopt the Adult Protective Services Act; to amend sections 28-708, 28-710 to 28-713, 28-715, and 28-726, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 336. By Koch, 12th District.
This bill introduced on behalf of: Visually Handicapped.

A BILL FOR AN ACT to amend section 83-210.02, Revised Statutes Supplement, 1980, relating to the Department of Public Institutions; to continue authorization for certain radio programs; and to repeal the original section.

LEGISLATIVE BILL 337. By Business and Labor Committee: Maresh, 32nd District, Chairperson; Barrett, 39th District; Vickers, 38th District; Goll, 16th District; Labedz, 5th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 48-627, Reissue Revised Statutes of Nebraska, 1943, and sections 48-624 and 48-625, Revised Statutes Supplement, 1980, relating to labor; to change weekly benefit amounts as prescribed; to change certain computations; to change eligibility conditions; and to repeal the original sections.

LEGISLATIVE BILL 338. By Koch, 12th District.
This bill introduced on behalf of: Youth of Nebraska.

A BILL FOR AN ACT relating to Nebraska common schools; to declare legislative intent relating to such schools.

LEGISLATIVE BILL 339. By Beutler, 28th District.
This bill introduced on behalf of: County of Lancaster.

A BILL FOR AN ACT relating to probation officers; to amend sections 29-2246, 29-2252, 29-2253, 43-230, and 43-236, Reissue Revised Statutes of Nebraska, 1943; to define a term; to provide for the transfer of separate juvenile court probation positions to the Field Probation Service; to provide duties; to provide operative dates; and to repeal the original sections, and also section 29-2255, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 340. By Hoagland, 6th District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT to amend sections 23-2402, 23-2406, and 23-2416, Reissue Revised Statutes of Nebraska, 1943, and section 23-2417, Revised Statutes Supplement, 1980, relating to the Political Subdivisions Tort Claims Act; to delete obsolete language; to provide for the allowance of attorneys' fees; to increase the time allowed for filing claims and bringing suit; and to repeal the original sections.

LEGISLATIVE BILL 341. By Hoagland, 6th District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT to amend sections 81-8,210, 81-8,228, and 81-8,229, Reissue Revised Statutes of Nebraska, 1943, relating to the State Claims Board; to delete obsolete language; to change provisions relating to attorneys' fees; and to repeal the original sections.

LEGISLATIVE BILL 342. By Koch, 12th District.
This bill introduced on behalf of: Senior Citizens of Nebraska.

A BILL FOR AN ACT relating to revenue and taxation; to provide for the deferral of the payment of real estate taxes as prescribed.

LEGISLATIVE BILL 343. By Landis, 46th District.
This bill introduced on behalf of: Neighborhoods in need of redevelopment.

A BILL FOR AN ACT to adopt the Community Assistance Act; to provide tax credits for businesses providing certain community assistance; to amend sections 77-909 and 77-2734, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2715 and 81-1228, Revised Statutes Supplement, 1980; to provide duties for the Department of Economic Development and the Tax Commissioner; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 344. By Landis, 46th District.
This bill introduced on behalf of: governmental efficiency.

A BILL FOR AN ACT relating to traffic violations; to amend section 60-426, Reissue Revised Statutes of Nebraska, 1943; to adopt the Nonresident Violator Compact of 1977; to change provisions relating to suspension or revocation of operator's licenses; and to repeal the original section.

LEGISLATIVE BILL 345. By Judiciary Committee: Nichol, 48th District, Chairperson; Pirsch, 10th District; Chronister, 18th District; Sieck, 24th District; Beyer, 3rd District.
This bill introduced on behalf of: Child Support Enforcement Office.

A BILL FOR AN ACT to amend sections 43-512.01, 43-512.03, 43-512.05, 43-512.07, and 43-512.10, Reissue Revised Statutes of Nebraska, 1943, relating to child support; to provide duties; to provide procedures for collections; to provide for assignment of certain payments; to provide for interpretation of certain provisions; and to repeal the original sections.

LEGISLATIVE BILL 346. By Judiciary Committee: Nichol, 48th District, Chairperson; Pirsch, 10th District; Chronister, 18th District; Sieck, 24th District; Beyer, 3rd District.
This bill introduced on behalf of: Youth of Nebraska.

A BILL FOR AN ACT to adopt the Nebraska Juvenile Code; to amend sections 29-401, 43-228, 43-230, 43-230.01, 43-230.03, 43-230.04, 43-230.05, 43-233.01, 43-234.01, 43-235, 43-236, 43-236.01, 43-237, and 43-238, Reissue Revised Statutes of Nebraska, 1943, and sections 43-229, 43-233, 43-234, and 43-239, Revised Statutes Supplement, 1980; to provide an operative date; and to repeal the original sections, and also sections 43-201, 43-201.01, 43-202, 43-202.01 to 43-202.04, 43-205, 43-205.01 to 43-205.07, 43-206, 43-206.01 to 43-206.04, 43-208, 43-209, 43-210.01 to 43-210.04, 43-212, 43-212.01 to 43-212.03, 43-214 to 43-220, 43-226, 43-227, 43-230.02, 43-240 to 43-243, 43-243.01, and 43-244, Reissue Revised Statutes of Nebraska, 1943, and section 43-210, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 347. By Law Enforcement and Justice Advisory Committee: Nichol, 48th District, Chairperson; Beyer, 3rd District; Sieck, 24th District; Pirsch, 10th District; Chronister, 18th District.
This bill introduced on behalf of: County Attorney's Association.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 18-301, 18-305 to 18-308, 18-312, 28-309, 18-518, 28-519, 28-707, and 28-708, Reissue Revised Statutes of Nebraska, 1943, and section 28-511, Revised Statutes Supplement, 1980; to harmonize penalty provisions with the Nebraska Criminal Code; to prohibit certain acts; to define the offense of breaking and entering; to provide penalties; to eliminate obsolete offenses relating to streetcars; and to repeal the original sections, and also sections 18-303 and 18-304, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 348. By Hoagland, 6th District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT relating to water; to provide provisions relating to the use of water as prescribed.

LEGISLATIVE BILL 349. By Haberman, 44th District.
This bill introduced on behalf of: Nebraska Bankers Association.

A BILL FOR AN ACT to amend sections 8-331 and 8-355, Revised Statutes Supplement, 1980, relating to banks and banking; to change provisions relating to building and loan associations as prescribed; to change requirements for issuance of a certificate of approval; and to repeal the original sections.

LEGISLATIVE BILL 350. By Koch, 12th District.
This bill introduced on behalf of: Firefighters and others.

A BILL FOR AN ACT to amend section 35-302, Revised Statutes Supplement, 1980, relating to firefighters; to decrease the maximum hours of required duty; to prohibit a residency requirement; and to repeal the original section.

LEGISLATIVE BILL 351. By Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Burrows, 30th District; Carsten, 2nd District; Chronister, 18th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; Fenger, 45th District; Fowler, 27th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; Johnson, L., 15th District; Kahle, 37th District; Kilgarin, 7th District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; Maresh, 32nd District; Marvel, 33rd District; Newell, 13th District; Nichol, 48th District; Peterson, H., 35th District; Peterson, R., 21st District; Pirsch, 10th District; Remmers, 1st District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Stoney, 4th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Wesely, 26th District; Wiitala, 31st District.
This bill introduced on behalf of: selves.

A BILL FOR AN ACT to amend sections 80-301 and 81-1108.36, Revised Statutes Supplement, 1980, relating to state buildings; to name a veterans' home as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 352. By Koch, 12th District.
This bill introduced on behalf of: Local Governments.

A BILL FOR AN ACT to repeal sections 77-3412 to 77-3432.01, Revised Statutes Supplement, 1980, relating to political subdivision budget limitations.

LEGISLATIVE BILL 353. By Nichol, 48th District.
This bill introduced on behalf of: Welfare Department.

A BILL FOR AN ACT to amend sections 43-208 and 43-210.01, Reissue Revised Statutes of Nebraska, 1943, relating to juvenile courts; to provide powers and duties of the Department of Public Welfare; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 354. By Beyer, 3rd District; Fenger, 45th District; Goll, 16th District; Wiitala, 31st District; L. Johnson, 15th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend sections 3-203 and 3-503, Reissue Revised Statutes of Nebraska, 1943, and section 3-504, Revised Statutes Supplement, 1980, relating to aeronautics; to restrict the use of eminent domain as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 355. By Clark, 47th District.
This bill introduced on behalf of: Insurance Industry.

A BILL FOR AN ACT relating to insurance; to amend section 44-502, Reissue Revised Statutes of Nebraska, 1943; to change provisions on interest rates on life insurance policy loans as prescribed; and to repeal the original section.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. DeCamp asked unanimous consent to have all senators names added as co-introducers to LR 6. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 6.

Introduced by Marvel, 33rd District; Burrows, 30th District; DeCamp, 40th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chambers, 11th District; Chronister, 18th District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; Dworak, 22nd District; Fenger, 45th District; Fitzgerald, 14th District; Fowler, 27th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; Johnson, L., 15th District; Johnson, V., 8th District; Kahle, 37th District; Kilgarin, 7th District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Maresh, 32nd District; Marsh, 29th District; Newell, 13th District; Nichol, 48th District; Peterson, H., 35th District; Peterson, R., 21st District; Pirsch, 10th District; Remmers, 1st District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Stoney, 4th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Wiitala, 31st District.

WHEREAS, fifty-two American citizens were held in captivity in Iran for days, from their capture on November 4, 1979 until January , 1981; and

WHEREAS, there have been many examples in history of Americans captured while in the line of duty who remained loyal to their country, some examples being the prisoners of war during World War I and II, the Korean War, and the Vietnam conflict; and

WHEREAS, Nebraska has been home to many American hostages held while serving their government and is now the home of families of two of the hostages being held in Iran; and

WHEREAS, the citizens of this state should be an example for citizens of other states and the nation by being one of the first states to initiate a day of recognition for all American hostages who have been held while in the service of the United States and who have remained loyal to their government while captured; and

WHEREAS, the release of the Americans in Iran has long been awaited with anticipation and their day of freedom will be a day of national celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby declares a statewide Freedom Day to honor all past and present American hostages held while serving their government and who remained loyal to this country. Such day shall be an annual event falling on , the date of the release of the Americans held hostage in Iran.
2. That the members of the Legislature encourage the citizens of this state to observe the state's Freedom Day and urge other states to follow Nebraska's lead in order to establish a National Freedom Day celebrated annually on , the anniversary of the release of the Americans in Iran in 1981.
3. That the Clerk of the Legislature is directed to send copies of this resolution to Nebraska's delegation in both houses of the Congress of the United States and to the presiding officers of the legislative houses in each of the other states in the country.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 356. By Beyer, 3rd District.
This bill introduced on behalf of: Clerks of District Court.

A BILL FOR AN ACT to amend section 42-358.01, Reissue Revised Statutes of Nebraska, 1943, relating to child support; to change record retention requirements; to provide an operative date; and to repeal the original section.

VISITORS

Visitors to the Chambers were Boy Scout Troop #48 and sponsors from Lincoln, Nebraska.

RECESS

At 12:01 p.m., on a motion by Mrs. Marsh, the Legislature recessed until 3:30 p.m.

AFTER RECESS

The Legislature reconvened at 3:32 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan, Hoagland, Newell, and Mrs. Labedz who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 206 through 253.

The Executive Board reports the re-referral of LB 183 to the Public Health & Welfare Committee from the Appropriations Committee.

LB	Committee
206	Miscellaneous Subjects
207	Education
208	Education
209	Government, Military and Veterans Affairs
210	Education
211	Revenue
212	Public Health and Welfare
213	Judiciary
214	Banking, Commerce and Insurance
215	Judiciary
216	Agriculture and Environment
217	Miscellaneous Subjects
218	Education
219	Revenue

220	Urban Affairs
221	Government, Military and Veterans Affairs
222	Public Works
223	Education
224	Public Works
225	Government, Military and Veterans Affairs
226	Public Works
227	Judiciary
228	Judiciary
229	Public Works
230	Public Works
231	Judiciary
232	Appropriations
233	Revenue
234	Business and Labor
235	Business and Labor
236	Agriculture and Environment
237	Urban Affairs
238	Banking, Commerce and Insurance
239	Government, Military and Veterans Affairs
240	Nebraska Retirement Systems
241	Urban Affairs
242	Judiciary
243	Agriculture and Environment
244	Banking, Commerce and Insurance
245	Agriculture and Environment
246	Public Works
247	Government, Military and Veterans Affairs
248	Nebraska Retirement Systems
249	Public Health and Welfare
250	Government, Military and Veterans Affairs
251	Education
252	Public Works
253	Agriculture and Environment

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

NOTICE OF COMMITTEE HEARINGS
Appropriations

REVISIONS TO APPROPRIATIONS COMMITTEE'S 1981 AGENCY BUDGET HEARING SCHEDULE

Rescheduled from Friday, February 20, 1981 to Tuesday, February 3, 1981 at 1:30 p.m.
DEPARTMENT OF MOTOR VEHICLES

Rescheduled from Thursday, February 5, 1981 to Friday, February 20, 1981 at 1:30 p.m.
OIL AND GAS CONSERVATION COMMISSION

(Signed) Jerome Warner, Chairperson

Agriculture and Environment

LB 104	Friday, January 30, 1981 (Cancel)	1:30 p.m.
LB 236	Friday, January 30, 1981	1:30 p.m.
LB 11	Thursday, February 5, 1981	1:30 p.m.
LB 105	Thursday, February 5, 1981	1:30 p.m.
LB 173	Thursday, February 5, 1981	1:30 p.m.
LB 80	Friday, February 6, 1981	1:30 p.m.
LB 104	Friday, February 6, 1981	1:30 p.m.
LB 148	Friday, February 6, 1981	1:30 p.m.

(Signed) Loran Schmit, Chairperson

ANNOUNCEMENT

Mr. Lamb announced an Executive Board meeting January 20, 1981 at 11:00 a.m. in room 1520.

Mr. Schmit announced the Agriculture and Environment Committee elected Mr. Wagner as Vice Chairperson.

UNANIMOUS CONSENT - Print in Journal

Messrs. Wagner, DeCamp, and Fenger asked unanimous consent to print the following amendment to LR 6 in the Journal. No objections. So ordered.

3. That the members of the Legislature encourage the citizen's of this state to observe Freedom's Day yearly by the wearing of the yellow ribbons which have become symbolic of the strife for freedom and particularly of the Americans who were held hostage in Iran.

MOTION - Rule Changes

Mr. Lamb offered the following rule changes:

Rule 7, Section 1.

Strike "The Legislature shall in odd-numbered years, after the period allowed for the introduction of bills, recess for five (5) calendar days. During such recess committees shall prepare, for public distribution a calendar of hearing dates. No committee hearings shall be held during the recess provided for in this section."

If the above amendment is not adopted, I offer the following amendment:

Rule 7 Section 1

No committee hearings shall be held prior to or during the recess provided for in this section.

Referred to the Rules Committee.

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 69	Monday, January 26, 1981	2:00 p.m.
LB 93	Monday, January 26, 1981	2:00 p.m.
LB 39	Tuesday, January 27, 1981	10:30 p.m.
LB 107	Tuesday, January 27, 1981	2:00 p.m.
LB 108	Tuesday, January 27, 1981	2:00 p.m.

(Signed) Samuel K. Cullan, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce & Insurance

LEGISLATIVE BILL 60. Placed on General File.
LEGISLATIVE BILL 71. Placed on General File.

(Signed) John W. DeCamp, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent per Rule 6, section 2 to re-refer LB 245 from Agriculture and Environment Committee to Education Committee. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 357. By Nichol, 48th District; Pirsch, 10th District.
This bill introduced on behalf of: Nebraska Correctional Officers Union and Nebraska State Troopers Association.

A BILL FOR AN ACT relating to retirement; to amend section 84-1323, Reissue Revised Statutes of Nebraska, 1943, and section 60-452.01, Revised Statutes Supplement, 1980; to change benefit provisions for certain state employees who are killed in the line of duty; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 358. By Schmit, 23rd District.
This bill introduced on behalf of: Nebraska Bankers Association.

A BILL FOR AN ACT relating to political subdivisions; to provide for investment or deposit of funds as prescribed.

LEGISLATIVE BILL 359. By Newell, 13th District.
This bill introduced on behalf of: Douglas County Election Commission.

A BILL FOR AN ACT to amend sections 31-735 and 31-735.02, Reissue Revised Statutes of Nebraska, 1943, relating to sanitary and improvement districts; to change provisions relating to district elections; to change provisions relating to the payment of election board members as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 360. By Carsten, 2nd District; Warner, 25th District.
This bill introduced on behalf of: selves.

A BILL FOR AN ACT to amend sections 66-441 and 66-442, Reissue Revised Statutes of Nebraska, 1943, and section 66-410.02, Revised Statutes Supplement, 1980, relating to motor vehicle fuel taxes; to change provisions relating to importation of such fuels into the state as prescribed; to provide for trip permits; to provide duties for the Tax

Commissioner; to eliminate certain gallonage limitations; and to repeal the original sections.

LEGISLATIVE BILL 361. By Warner, 25th District.
This bill introduced on behalf of: Lancaster County Commissioners.

A BILL FOR AN ACT to amend section 60-311.02, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide number plates for tax exempt motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 362. By Koch, 12th District.
This bill introduced on behalf of: Citizens of Douglas County.

A BILL FOR AN ACT to amend sections 71-1519, 71-1522, 71-1523, 71-1529, and 71-1530, Reissue Revised Statutes of Nebraska, 1943, relating to housing; to change provisions relating to housing authorities; to repeal the authority of certain cities to create housing authorities; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 363. By Chambers, 11th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to the University of Nebraska at Lincoln; to provide that football players are university employees.

LEGISLATIVE BILL 364. By Chambers, 11th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to highways and bridges; to state Legislative findings; and to prohibit certain planning and construction as prescribed.

LEGISLATIVE BILL 365. By Wesely, 26th District.
This bill introduced on behalf of: Nebraska Association of Public Employees.

A BILL FOR AN ACT to amend sections 84-1308 to 84-1311, relating to state employees; to change certain provisions relating to contributions by the state and state employees to the state retirement system; and to repeal the original sections.

LEGISLATIVE BILL 366. By Wesely, 26th District.
This bill introduced on behalf of: Lincoln Police Union.

A BILL FOR AN ACT relating to cities of the primary class; to establish a police retirement system as prescribed; to provide for membership; to provide for contributions; to create a fund; to authorize investments; to provide conditions for payment of benefits as prescribed; to provide for computation of benefits; to provide for funding; to harmonize provisions; to exclude certain receipts from a budget limitation; to amend sections 15-1001, 15-1001.01, 15-1002, 15-1011, 15-1013.01, 15-1013.02, 15-1014, 15-1015, 15-1017 to 15-1019, and 15-1021, Reissue Revised Statutes of Nebraska, 1943, and sections 15-1003 to 15-1009, 15-1016, and 77-3424, Revised Statutes Supplement, 1980; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 367. By Wesely, 26th District.
This bill introduced on behalf of: Lincoln Firefighters.

A BILL FOR AN ACT to amend section 15-1007, Revised Statutes Supplement, 1980, relating to cities of the primary class; to change certain provisions relating to firefighter retirement benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 368. By Koch, 12th District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT to amend sections 49-1401, 49-1403, and 49-1474, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Political Accountability and Disclosure Act; to change provisions relating to false statements or publications during a campaign; to provide procedures; to provide for a civil remedy; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 369. By Burrows, 30th District.
This bill introduced on behalf of: NSEA.

A BILL FOR AN ACT relating to schools; to amend sections 79-1043 and 79-1522, Reissue Revised Statutes of Nebraska, 1943; to allow retirement system credit for certain leaves of absence as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 370. By Goll, 16th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 79-2804, 79-2820, and 79-2821, Revised Statutes Supplement, 1980, relating to schools; to eliminate an exception; to change provisions relating to the award of associate degrees; and to repeal the original sections.

LEGISLATIVE BILL 371. By Goll, 16th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 79-4,154, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to remove area vocational technical colleges and junior colleges from the operation of such section; and to repeal the original section.

LEGISLATIVE BILL 372. By Koch, 12th District.
This bill introduced on behalf of: State of Nebraska.

A BILL FOR AN ACT relating to parole and prison sentences; to provide for the establishment of a parole advisory committee; to provide standards for granting parole; to provide duties; to provide limitations; to repeal sections 83-1,107 to 83-1,123, Reissue Revised Statutes of Nebraska, 1943; to provide an operative date; to provide for severability; and to delcare an emergency.

LEGISLATIVE BILL 373. By Remmers, 1st District.
This bill introduced on behalf of: Property owners.

A BILL FOR AN ACT relating to revenue and taxation; to authorize a local income tax by school districts and municipalities; and to provide duties for the Tax Commissioner.

LEGISLATIVE BILL 374. By Kremer, 34th District.
This bill introduced on behalf of: Mobile home people.

A BILL FOR AN ACT to amend section 77-2702, Revised Statutes Supplement, 1980, relating to revenue and taxation; to provide for the payment of a sales tax on the materials and components of mobile homes and manufactured housing; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 375. By Schmit, 23rd District; Kremer, 34th District.
This bill introduced on behalf of: selves.

A BILL FOR AN ACT relating to ground water; to provide intent; to provide for ground water management plans; to provide for the designation of a ground water management area as prescribed; to define terms; to provide for and change provisions relating to controls on ground water use; to provide powers and duties of natural resources districts; to amend sections 46-656, 46-672, and 46-674, Reissue Revised Statutes of Nebraska, 1943, and sections 46-657, 46-659, 46-660, 46-663, 46-666, and 46-673, Revised Statutes Supplement, 1980; and to repeal the original sections.

LEGISLATIVE BILL 376. By DeCamp, 40th District.
This bill introduced on behalf of: people, like myself, who believe Nebraska Credit Consumers deserve a better banking structure system.

A BILL FOR AN ACT to amend sections 8-157 and 8-903, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to remove a restriction on the location of auxiliary teller offices; to authorize the making of loans from such offices; to authorize certain acquisitions by bank holding companies as prescribed; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 377. By Hoagland, 6th District.
This bill introduced on behalf of: the People of the State of Nebraska.

A BILL FOR AN ACT relating to distribution of state funds; to state legislative intent; and to provide for distribution of certain interest as prescribed.

LEGISLATIVE BILL 378. By Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Fenger, 45th District; Maresh, 32nd District; R. Peterson, 21st District; Higgins, 9th District; Barrett, 39th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 71-5801 to 71-5803, 71-5805, 71-5810, 71-5811, 71-5813, 71-5820 to 71-5823, 71-5828 to 71-5836, 71-5838, 71-5846, 71-5847 to 71-5857, 71-5859, 71-5860, 71-5862, 71-5865 to 71-5868, and 71-5870, Revised Statutes Supplement, 1980, relating to public health and welfare; to change provisions of the Nebraska Health Care Certificate of Need Act as prescribed; to change certificate requirements; to change procedures for application and review; to define and redefine terms; to provide procedures for determining applicability of such act; to exempt certain organizations and facilities; to provide notification procedures; to provide for approval of certain applications; and to repeal the original sections, and also section 71-5827 and 71-5842 to 71-5845, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 379. By Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Fenger, 45th District; Higgins, 9th District; R. Peterson, 21st District; Maresh, 32nd District; Wesely, 26th District; Barrett, 39th District.

This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to adopt the Practice of Nursing in Expanded Roles Act; to amend sections 71-1,132.05, 71-1,132.11, and 71-1,132.49, Revised Statutes Supplement, 1980; to provide for nurse practitioners in expanded roles in nursing; to establish fees; to provide for certified registered nurse anesthetists; to define terms; to provide requirements and procedure for certification; to provide for certification revocation; to provide a penalty; and to repeal the original sections, and also section 71-1,132.51, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 380. By Nichol, 48th District.
This bill introduced on behalf of: Department of Public Institutions.

A BILL FOR AN ACT relating to persons confined to facilities under the control of the Department of Public Institutions; to provide procedures for authorizing mental, medical, and dental treatment for persons confined to such facilities; and to declare an emergency.

LEGISLATIVE BILL 381. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; Rumery, 42nd District; Marsh, 29th District; Cope, 36th District; Labedz, 5th District; Dworak, 22nd District; Fowler, 27th District.
This bill introduced on behalf of: 81-1,102 R.S.Supp., 1980.

A BILL FOR AN ACT relating to state administrative departments; to amend sections 81-146, 81-153, 81-154, 81-161.01, 81-161.03, 81-1010, 81-1012 to 81-1015, 81-1018, 81-1113, 81-1114, 81-1118, and 81-1120.18, Reissue Revised Statutes of Nebraska, 1943, and sections 81-196, 81-1108.15 to 81-1108.17, 81-1108.41, 81-1111, and 81-1117, Revised Statutes Supplement, 1980; to change provisions relating to the Department of Administrative Services and its divisions and bureaus as prescribed; to provide duties; to provide statements of purpose; to repeal provisions relating to rebates; to repeal the original sections, and also sections 59-701 to 59-705, and 81-1108.02, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 382. By Vickers, 38th District.
This bill introduced on behalf of: Ratepayers of the State.

A BILL FOR AN ACT relating to public power; to amend sections 14-106, 14-107, 14-366, 14-376, 14-524, 14-525, 14-526, 14-1040, 15-111, 15-201, 15-202, 15-244, 16-123, 16-319, 16-320, 16-645, 16-673, 16-674, 16-676, 16-677, 16-681, 16-682, 16-683, 16-684, 16-687, 16-691.01, 16-691.02, 16-6,100, 16-704, 16-721, 17-528, 17-528.03, 17-559, 17-609, 17-801, 17-804, 17-901, 17-902, 17-903, 17-904, 18-1803, 19-701, 19-708, 19-709, 19-1305, 19-1401, 19-1403, 19-2701, 70-301, 70-304, 70-407, 70-408, 70-501, 70-502, 70-503, 70-504, 70-505, 70-506, 70-507; 70-509, 70-510, 70-512, 70-515, 70-601, 70-602, 70-603, 70-604, 70-604.01, 70-604.02, 70-604.04, 70-604.05, 70-604.06, 70-604.09, 70-607, 70-608, 70-610, 70-612, 70-618, 70-619, 70-621, 70-623.01, 70-623.02, 70-623.03, 70-624.04, 70-625, 70-625.02, 70-626, 70-626.01, 70-626.03, 70-626.04, 70-626.05, 70-627.02, 70-628, 70-628.01, 70-628.02, 70-628.03, 70-628.04, 70-629, 70-631, 70-636, 70-642.03, 70-642.04, 70-645, 70-646, 70-647, 70-648, 70-649, 70-650, 70-650.01, 70-651.01, 70-655, 70-657, 70-662, 70-663, 70-664, 70-665, 70-666, 70-667, 70-670, 70-672, 70-680, 70-703, 70-712, 70-802, 70-803, 70-804, 70-805, 70-806, 70-807, 70-1001, 70-1002, 70-1002.01, 70-1015, 70-1019, 70-1020, 70-1101, 70-1102, 70-1103, 70-1104, 70-1105, and 76-703, Reissue Revised Statutes of Nebraska, 1943, and sections 15-901, 16-321, 16-675, 16-691, 16-693, 17-568.01, 18-1401, 19-1402, 19-2702, 19-2713, 19-2714, 19-2716, 70-624.02, 70-625, 70-642.04, 70-1008, 70-1012, and 70-1301, Revised Statutes Supplement, 1980; to change certain provisions relating to public power; to adopt the Municipal Electric District Act as prescribed; to repeal certain provisions relating to municipally-owned power companies; to provide an operative date; to provide for severability; and to repeal the original sections, and also sections 16-686, 17-906, 17-907, 17-908, 17-909, 17-910, 17-911, 17-912, 18-412, 18-412.01, 18-412.02, 18-412.06, 18-412.07, 18-412.08, 18-412.09, 18-412.10, 70-650.02, 70-653.01, and 70-653.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 383. By Warner, 25th District.
This bill introduced on behalf of: Nebraska Motor Carriers Association.

A BILL FOR AN ACT to amend section 60-305.03, Reissue Revised Statutes of Nebraska, 1943, and sections 60-301 and 60-305.09, Revised Statutes Supplement, 1980, relating to motor vehicles; to change registration and licensing provisions for certain vehicles as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 384. By Schmit, 23rd District; DeCamp, 40th District.
This bill introduced on behalf of: selves.

A BILL FOR AN ACT relating to financing; to adopt the Agricultural Development Corporation Act; to amend sections 76-1612 and

76-1614, Revised Statutes Supplement, 1980; to define terms; to provide powers and duties; to change certain provisions relating to the Nebraska Mortgage Finance Fund; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 385. By Schmit, 23rd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to adopt the Conservation Corporation Act.

LEGISLATIVE BILL 386. By Beutler, 28th District.
This bill introduced on behalf of: People of the 28th District and the State of Nebraska.

A BILL FOR AN ACT relating to judicial districts; to amend sections 5-105 and 24-503, Revised Statutes Supplement, 1980; to change the number and composition of judicial districts; to change the number of county judges; and to repeal the original sections.

LEGISLATIVE BILL 387. By Rumery, 42nd District.
This bill introduced on behalf of: Nebraska State Fire Fighters Association.

A BILL FOR AN ACT to amend section 35-212, Revised Statutes Supplement, 1980, relating to firefighters; to provide for a deferred annuity for certain terminated firefighters as prescribed; and to repeal the original section.

LEGISLATIVE BILL 388. By Wiitala, 31st District; DeCamp, 40th District; Schmit, 23rd District; Beutler, 28th District; Kremer, 34th District.
This bill introduced in behalf of: citizens of Nebraska living in flood zones.

A BILL FOR AN ACT to amend section 2-3252, Reissue Revised Statutes of Nebraska, 1943, relating to natural resources districts; to change provisions relating to special improvement project areas; to provide for issuance of bonds for such projects; to provide for a sinking fund; to provide procedures related to awarding contracts; to provide a hearing for special assessments; to provide for foreclosure of a lien for delinquent payments; and to repeal the original section.

ADJOURNMENT

At 4:04 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:30 a.m., Tuesday, January 20, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - JANUARY 20, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 20, 1981

Pursuant to adjournment, the Legislature met at 9:31 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan, Dworak, Hoagland, Newell, Schmit, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 260, line 24, strike "p.m." and insert "a.m."
Page 261, line 3, strike "asked unanimous consent" and insert "moved".
Page 261, line 5, strike "No objections. So ordered.".
The Journal for the Ninth Day was approved as corrected.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 44	Tuesday, January 27, 1981	11:00 a.m.
LB 28	Tuesday, January 27, 1981	11:00 a.m.
LB 29	Wednesday, January 28, 1981	11:00 a.m.
LB 42	Monday, January 26, 1981	1:00 p.m.
LB 43	Monday, January 26, 1981	1:00 p.m.

LB 76	Tuesday, January 27, 1981	1:30 p.m.
LB 83	Tuesday, January 27, 1981	1:30 p.m.
LB 50	Wednesday, January 28, 1981	1:30 p.m.
LB 54	Wednesday, January 28, 1981	1:30 p.m.

(Signed) William E. Nichol, Chairperson

Education

LB 16	Monday, January 26, 1981	10:30 a.m.
LB 207	Monday, January 26, 1981	10:30 a.m.
LB 15	Monday, January 26, 1981	1:30 p.m.
LB 165	Monday, January 26, 1981	1:30 p.m.
LB 63	Tuesday, January 27, 1981	10:30 a.m.
LB 182	Tuesday, January 27, 1981	1:30 p.m.

(Signed) Jerry Koch, Chairperson

Public Works

LB 81	Wednesday, January 28, 1981	10:30 a.m.
LB 143	Wednesday, January 28, 1981	10:30 a.m.
LB 132	Thursday, January 29, 1981	10:30 a.m.
LB 114	Wednesday, February 11, 1981	1:30 p.m.
LB 94	Thursday, February 12, 1981	1:30 p.m.
LB 146	Thursday, February 12, 1981	1:30 p.m.
LB 147	Thursday, February 12, 1981	1:30 p.m.
LB 123	Wednesday, February 18, 1981	1:30 p.m.
LB 181	Wednesday, February 18, 1981	1:30 p.m.
LB 198	Wednesday, February 18, 1981	1:30 p.m.
LB 226	Thursday, February 19, 1981	1:30 p.m.
LB 56	Friday, February 20, 1981	1:30 p.m.

(Signed) Maurice A. Kremer, Chairperson

UNANIMOUS CONSENT - Withdraw Name

Mr. Chambers asked unanimous consent to withdraw his name as co-introducer to LR 6. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 6. Read. Considered.

Mr. Burrows asked unanimous consent to have LR 6 temporarily laid over. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 389. By Wesely, 26th District; Schmit, 23rd District.
This bill introduced on behalf of: selves.

A BILL FOR AN ACT to adopt the Disabled Persons and Family Support Act; to provide duties; to provide a penalty; and to provide severability.

LEGISLATIVE BILL 390. By Revenue Committee: Carsten, 2nd District, Chairperson; Newell, 13th District; Hefner, 19th District; V. Johnson, 8th District; Burrows, 30th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to revenue and taxation; to create a fund; to provide for distribution; to provide duties; to repeal sections 77-3601 to 77-3604, Revised Statutes Supplement, 1980; and to declare an emergency.

LEGISLATIVE BILL 391. By Clark, 47th District.
This bill introduced on behalf of: Kimball Schools.

A BILL FOR AN ACT to amend section 79-422, Revised Statutes Supplement, 1980, relating to schools; to authorize school officers to sell fuel to school districts; and to repeal the original section.

LEGISLATIVE BILL 392. By Marvel, 33rd District.
This bill introduced on behalf of: Hastings, Nebraska.

A BILL FOR AN ACT to amend section 19-3317, Reissue Revised Statutes of Nebraska, 1943, relating to the Off-Street Parking District

Act; to change provisions relating to interest on bonds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 393. By Beutler, 28th District.
This bill introduced on behalf of: Lincoln Chamber of Commerce.

A BILL FOR AN ACT to amend section 77-1510, Revised Statutes Supplement, 1980, relating to taxation; to provide for interest on certain refunds; to provide for the payment of additional taxes and interest; to provide for application; and to repeal the original section.

LEGISLATIVE BILL 394. By Maresh, 32nd District; Vickers, 38th District.
This bill introduced on behalf of: selves.

A BILL FOR AN ACT to amend section 48-649, Reissue Revised Statutes of Nebraska, 1943, and section 48-624, Revised Statutes Supplement, 1980, relating to labor; to change provisions relating to unemployment benefits; to change provisions relating to contribution rates under the Nebraska Employment Security Law; and to repeal the original sections.

LEGISLATIVE BILL 395. By Fowler, 27th District.
This bill introduced on behalf of: retired state employees.

A BILL FOR AN ACT relating to retirement; to provide for supplemental retirement benefits; to provide duties for the Public Employees Retirement Board; and to create a fund.

LEGISLATIVE BILL 396. By Carsten, 2nd District.
This bill introduced on behalf of: Nebraska Farm Bureau Federation.

A BILL FOR AN ACT relating to agriculture; to adopt the Agricultural Lime Testing Act as prescribed; to provide standards; to provide duties; to define terms; and to provide penalties.

LEGISLATIVE BILL 397. By Wesely, 26th District.
This bill introduced on behalf of: Lancaster County.

A BILL FOR AN ACT to amend sections 77-3424 and 77-3425, Revised Statutes Supplement, 1980, relating to revenue and taxation; to provide an exception to budgetary limitations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 398. By Hefner, 19th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-847, Reissue Revised Statutes of Nebraska, 1943; to change certain provisions for financing bridge replacement; to declare legislative intent; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 399. By Goodrich, 20th District.
This bill introduced on behalf of: State of Nebraska.

A BILL FOR AN ACT to amend sections 24-703, 24-707, and 24-710, Reissue Revised Statutes of Nebraska, 1943, relating to courts; to change certain provisions of the Nebraska Judges Fund as prescribed; to prohibit certain associate county judges from membership; and to repeal the original sections.

LEGISLATIVE BILL 400. By Lamb, 43rd District; Kremer, 34th District.
This bill introduced on behalf of: selves.

A BILL FOR AN ACT to amend section 70-655, Reissue Revised Statutes of Nebraska, 1943, relating to public power and irrigation districts; to state policy; to provide for the use of excess generating capacity as prescribed; and to repeal the original section.

LEGISLATIVE BILL 401. By Lamb, 43rd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 46-657, 46-658, 46-665, 46-666, and 46-673, Revised Statutes Supplement, 1980, relating to ground water; to provide for the establishment of control areas by election; to provide definitions; to provide duties; and to repeal the original sections.

Mr. Maresh asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 402. By Nichol, 48th District.
This bill introduced on behalf of: Attorney General.

A BILL FOR AN ACT relating to criminal procedure; to provide a procedure whereby the prosecution may appeal the sentence imposed in a criminal case.

LEGISLATIVE BILL 403. By V. Johnson, 8th District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT to amend section 81-885.24, Revised Statutes Supplement, 1980, relating to the State Real Estate Commission; to provide that certain actions constitute unfair trade practices; and to repeal the original section.

LEGISLATIVE BILL 404. By Marvel, 33rd District; Fowler, 27th District; DeCamp, 40th District; Maresh, 32nd District; Rumery, 42nd District.
This bill introduced on behalf of: LR 283 Study.

A BILL FOR AN ACT to adopt the Nebraska Community Aging Services Act.

LEGISLATIVE BILL 405. By V. Johnson, 8th District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT to amend section 48-1119, Reissue Revised Statutes of Nebraska, 1943, and section 48-1117, Revised Statutes Supplement, 1980, relating to the Nebraska Fair Employment Practices Act; to provide additional powers; to change provisions relating to unlawful employment practices; to change provisions relating to posting notices; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 406. By Government, Military and Veterans Affairs Committee: Kahle, 37th District, Chairperson; Haberman, 44th District; Kilgarin, 7th District; Goll, 16th District; Landis, 46th District; Chambers, 11th District; Chronister, 18th District; V. Johnson, 8th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to apportionment; to establish boundaries for legislative districts as prescribed; and to repeal sections 5-104.07 to 5-104.10, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 407. By Government, Military and Veterans Affairs Committee: Kahle, 37th District, Chairperson; Haberman, 44th District; Goll, 16th District; V. Johnson, 8th District; Landis, 46th District; Chambers, 11th District; Chronister, 18th District.
This bill introduced on behalf of: Nebraska State Historical Society.

A BILL FOR AN ACT to amend section 82-118, Revised Statutes Supplement, 1980, relating to historical societies; to allow the Nebraska State Historical Society to comply with the terms and conditions of an Act of Congress, as amended.

LEGISLATIVE BILL 408. By DeCamp, 40th District.
This bill introduced on behalf of: Nebraskans.

A BILL FOR AN ACT to amend section 39-6,181, Revised Statutes Supplement, 1980, relating to oversize vehicles; to change provisions relating to issuance of special permits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 409. By Haberman, 44th District.
This bill introduced on behalf of: Nebraska Land Title Association.

A BILL FOR AN ACT relating to abstracters; to amend sections 76-501, 76-504, 76-511, 76-512, 76-515, 76-519, and 76-521, Reissue Revised Statutes of Nebraska, 1943; to provide for continuing education requirements for registered abstracters; to change certain bonding provisions; to change county officer eligibility; to change application requirements as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 410. By Landis, 46th District.
This bill introduced on behalf of: Impartial justice.

A BILL FOR AN ACT to amend sections 48-633 and 48-635, Reissue Revised Statutes of Nebraska, 1943, relating to employment security; to create the Nebraska Appeal Tribunal; to delineate authority; to provide powers and duties; to provide for appointments; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 411. By Sieck, 24th District.
This bill introduced on behalf of: Nebraska County Attorneys Association.

A BILL FOR AN ACT relating to criminal procedure; to provide procedures for suppression of statements and other evidence unlawfully obtained; and to provide for interlocutory appeals by the prosecution from rulings thereon.

LEGISLATIVE BILL 412. By Newell, 13th District.
This bill introduced on behalf of: Property Tax Payers of the State.

A BILL FOR AN ACT to amend sections 77-1343, 77-1344, and 77-1348, Reissue Revised Statutes of Nebraska, 1943, relating to agricultural lands; to restrict uses of land zoned as agricultural; to increase the interest rate charged upon an additional tax; and to repeal the original sections.

LEGISLATIVE BILL 413. By Chambers, 11th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 39-664, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to change provisions relating to speed detection; and to repeal the original section.

LEGISLATIVE BILL 414. By Chambers, 11th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to adopt the Nebraska Law Enforcement Procedures Act.

LEGISLATIVE BILL 415. By Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Wesely, 26th District; Fenger, 45th District; Barrett, 39th District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT relating to public health; to amend sections 71-5001, 71-5004, 71-5005, 71-5007, 71-5008, 71-5010, 71-5014, 83-101.01, 83-1,147, 83-1,148, 83-1,151, and 83-1,152, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5002, 71-5003, 71-5021, 71-5022, 71-5027, 71-5032, and 83-1,149, Revised Statutes Supplement, 1980; to change the name of the Division of Medical Services; to provide for a Director of Mental Health; to change duties and responsibilities of regional governing boards; to provide for regional mental health advisory boards; to provide for regional mental health administrators; to provide for a state mental health plan; to provide duties; to provide for allocation of funds; to provide for the transfer of patients from the Norfolk Regional Center; and to repeal the original sections, and also sections 71-5006, 71-5009, 71-5011, 71-5013, 71-5015, and 83-1,150, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 416. By Cullan, 49th District.
This bill introduced on behalf of: people of Nebraska who think we introduce too many bills.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, sections 5, 6, 7, and 10, of the Constitution of Nebraska, relating to the Legislature; to allow an increase in membership; to increase the compensation allowed; to limit the introduction of bills; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 417. By Cullan, 49th District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT to amend section 39-6,177, Revised Statutes Supplement, 1980, relating to rules of the road; to change certain provisions relating to the movement of certain vehicles and equipment as prescribed; and to repeal the original section.

LEGISLATIVE BILL 418. By Cullan, 49th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend section 23-1506, Reissue Revised Statutes of Nebraska, 1943, relating to the register of deeds; to change provisions relating to the recording of plats and subdivisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 419. By Newell, 13th District.
This bill introduced on behalf of: People who want an up front Legislature.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to prohibit the partisan nomination, election, and organization of members of the Legislature unless three-fifths of the members authorize such activities as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 420. By Urban Affairs Committee: Landis, 46th District, Chairperson; Cullan, 49th District; Haberman, 44th District; R. Peterson, 21st District; Fenger, 45th District.
This bill introduced on behalf of: League of Municipalities.

A BILL FOR AN ACT to amend section 19-1801 to 19-1804, 19-1806, 19-1808, 19-1810, 19-1811, and 19-1823, Reissue Revised Statutes of Nebraska, 1943, relating to cities; to change certain provisions relating to civil service commissions as prescribed; to provide duties; to define terms; and to repeal the original sections, and also sections 19-1812 and 19-1813, Reissue Revised Statutes of Nebraska, 1943, and section 19-1824, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 421. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Landis, 46th District; Labedz, 5th District; Clark, 47th District; Fitzgerald, 14th District; Remmers, 1st District; Haberman, 44th District.
This bill introduced on behalf of: Nebraskans.

A BILL FOR AN ACT relating to public health and welfare; to define terms; to provide for reporting and investigation of violations by professional licensees; to provide for confidentiality of records; and to provide a penalty.

LEGISLATIVE BILL 422. By Labedz, 5th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 71-5801, 71-5803, 71-5822, and 71-5823, Revised Statutes Supplement, 1980, relating to the Nebraska Health Care Certificate of Need Act; to define and redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 423. By Hoagland, 6th District.
This bill introduced on behalf of: The People of the State of Nebraska.

A BILL FOR AN ACT relating to education; to define terms; to encourage the development of programs for gifted children; to provide duties; to create a fund; to change funding provisions for certain programs as prescribed; to amend section 79-1337, Revised Statutes Supplement, 1980; and to repeal the original section.

LEGISLATIVE BILL 424. By Rumery, 42nd District.
This bill introduced on behalf of: Nebraska Sheriffs and Peace Officers Association.

A BILL FOR AN ACT relating to retirement; to create the Elected County Officers' Retirement System as prescribed; to define terms; to provide duties for the Public Employees Retirement Board; to amend section 23-2302, Reissue Revised Statutes of Nebraska, 1943, and section 84-1503, Revised Statutes Supplement, 1980; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 425. By Dworak, 22nd District; Barrett, 39th District.
This bill introduced on behalf of: selves.

A BILL FOR AN ACT to repeal sections 44-343 to 44-347, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to eliminate provisions relating to foreign insurance companies.

LEGISLATIVE BILL 426. By Dworak, 22nd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 44-407.01 to 44-407.06, Reissue Revised Statutes of Nebraska, 1943, and sections 44-404, 44-407, 44-407.08, and 44-407.09, Revised Statutes Supplement, 1980, relating to insurance; to establish standards of valuation, interest rates, and reserves as prescribed; to change the Standard Nonforfeiture Law for Life Insurance as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 427. By Wiitala, 31st District.
This bill introduced on behalf of: Department of Education.

A BILL FOR AN ACT to amend section 79-1247.05, Reissue Revised Statutes of Nebraska, 1943, relating to teachers; to provide for reimbursement of expenses for serving on certain committees and employing a replacement as prescribed; and to repeal the original section.

LEGISLATIVE BILL 428. By V. Johnson, 8th District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT to amend sections 30-2601, 30-2619, 30-2620, 30-2624, 30-2625, 30-2627, 30-2628, 30-2630, and 30-2633, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Probate Code; to define and redefine terms; to change procedures for court appointment of a guardian of an incapacitated person; to provide procedures for use of visitors; to provide duties; to limit protective orders as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 429. By Fowler, 27th District.
This bill introduced on behalf of: handicapped accessibility.

A BILL FOR AN ACT to amend sections 72-1101 to 72-1103 and 72-1120 to 72-1124, Reissue Revised Statutes of Nebraska, 1943, and section 72-1119, Revised Statutes Supplement, 1980, relating to public buildings; to provide for the adoption of certain codes; to redefine terms; to harmonize provisions; to provide for enforcement; to change membership of a committee; to provide duties; to provide a penalty; to repeal the original sections, and also sections 72-1104 to 72-1118, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 430. By DeCamp, 40th District.
This bill introduced on behalf of: Nebraskans wanting property tax relief without additional taxation.

A BILL FOR AN ACT to adopt the State Lottery Act; to amend sections 28-1115 and 28-1116, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2715 and 77-3425, Revised Statutes Supplement, 1980; to provide an exception to the state income tax; to change provisions relating to lotteries; to provide an exception to budget limitation provisions; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 431. By Newell, 13th District.
This bill introduced on behalf of: Louis Finocchiarro Inc.

A BILL FOR AN ACT to amend section 53-123.02, Revised Statutes Supplement, 1980, relating to liquors; to authorize samples of alcoholic liquors as prescribed; and to repeal the original section.

LEGISLATIVE BILL 432. By Hoagland, 6th District; DeCamp, 40th District.
This bill introduced on behalf of: The people of the State of Nebraska.

A BILL FOR AN ACT to adopt the Uniform Comparative Fault Act; to provide for application; to provide severability; and to repeal section 25-1151, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 433. By Urban Affairs Committee: Landis, 46th District, Chairperson; Fenger, 45th District; Haberman, 44th District; Higgins, 9th District; R. Peterson, 21st District; Remmers, 1st District.
This bill introduced on behalf of: Commission for the Hearing Impaired.

A BILL FOR AN ACT relating to the hearing impaired; to amend sections 20-127, 20-128, 20-131.04, and 71-4728, Revised Statutes

Supplement, 1980; to change provisions relating to dogs for the hearing impaired; to provide a duty for the Commission for the Hearing Impaired; and to repeal the original sections.

LEGISLATIVE BILL 434. By Urban Affairs Committee: Landis, 46th District, Chairperson; Remmers, 1st District; Haberman, 44th District; R. Peterson 21st District; Fenger, 45th District.
This bill introduced on behalf of: League of Municipalities.

A BILL FOR AN ACT to amend sections 18-117 and 18-119, Reissue Revised Statutes of Nebraska, 1943, relating to ordinances; to provide exceptions to the initiative and referendum powers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 435. By Urban Affairs Committee: Landis, 46th District, Chairperson; Fenger, 45th District; Remmers, 1st District; Haberman, 44th District; Higgins, 9th District; R. Peterson, 21st District.
This bill introduced on behalf of: Nebraska Housing Authority Commission.

A BILL FOR AN ACT relating to the Nebraska Housing Authority Law; to amend sections 71-1519, 71-1520, 71-1522 to 71-1524, 71-1526, 71-1528, 71-1529, 71-1531, 71-1535, 71-1539, 71-1541, 71-1543 to 71-1545, and 71-1550 to 71-1553, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1536 and 77-2704, Revised Statutes Supplement, 1980, to provide for the creation, operation, and dissolution of joint housing authorities; to provide governing bodies for such authorities; to expand powers of housing authorities as prescribed; to change provisions relating to termination of tenants; to provide for disclosure of information on tenants as prescribed; to change provisions relating to financing of the authorities; to change provisions relating to actions against an authority; to provide a sales and use tax exemption; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 436. By Rumery, 42nd District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT to amend sections 48-1101, 48-1104 to 48-1108, 48-1111, 48-1113, 48-1115, 48-1119, 48-1122, and 48-1124, Reissue Revised Statutes of Nebraska, 1943, and sections 48-1102 and 48-1117, Revised Statutes Supplement, 1980, relating to the Nebraska Fair Employment Practice Act; to define a term; to prohibit discrimination based on state origin; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 437. By Urban Affairs Committee: Landis, 46th District, Chairperson; Fenger, 45th District; Remmers, 1st District; R. Peterson, 21st District; Haberman, 44th District; Higgins, 9th District.
This bill introduced on behalf of: Nebraska Railroad Association.

A BILL FOR AN ACT relating to railroads; to provide procedures for the adoption of ordinances which affect interstate railroads.

LEGISLATIVE BILL 438. By Dworak, 22nd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 77-412, 77-1718, 77-1809, 77-1824, and 77-1917, Revised Statutes Supplement, 1980, relating to revenue and taxation; to change the interest rate as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 439. By Kilgarin, 7th District.
This bill introduced on behalf of: Nebraska State Education Association.

A BILL FOR AN ACT to amend section 79-1248, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change certain provisions relating to employment contracts; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 440. By Kilgarin, 7th District.
This bill introduced on behalf of: Student Councils of our great State of Nebraska.

A BILL FOR AN ACT to amend sections 79-516.04, 79-1003, and 79-1103, Reissue Revised Statutes of Nebraska, 1943, and sections 79-803.03 and 79-902.01, Revised Statutes Supplement, 1980, relating to schools; to permit a student member to serve on school boards in certain districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 441. By Wesely, 26th District.
This bill introduced on behalf of: Nebraska State School Boards Association.

A BILL FOR AN ACT relating to asbestos removal and containment; to amend section 79-531, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3424 and 79-520, Revised Statutes Supplement, 1980; to change certain budget limitation provisions; to authorize school districts to borrow certain federal funds; and to repeal the original sections.

LEGISLATIVE BILL 442. By Nichol, 48th District; Chambers, 11th District; Sieck, 24th District; Chronister, 18th District; Beyer, 3rd District; Von Minden, 17th District.
This bill introduced on behalf of: Department of Public Institutions.

A BILL FOR AN ACT relating to public institutions; to amend sections 43-646.08, 81-101, 81-102, 83-101.01, 83-108, 83-1,141, 83-1,143 to 83-1,143.02, 83-1,143.04, 83-1,143.05, 83-1,147, 83-1,148, 83-1,150 to 83-1,152, 83-227.01, and 83-339, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5003, 83-1,142, and 83-1,149, Revised Statutes Supplement, 1980; to change the names of a department and its divisions; to define and redefine terms; to change and to provide duties as prescribed; to provide for funding of certain programs; to provide duties for the Revisor of Statutes; to provide for severability; to repeal the original sections, and also sections 71-5011 and 83-1,143.03, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 443. By Wiitala, 31st District.
This bill introduced on behalf of: Education.

A BILL FOR AN ACT relating to schools; to provide a system for promoting professional growth by school employees as prescribed; and to establish a fund.

LEGISLATIVE BILL 444. By Government, Military and Veterans Affairs Committee: Kahle, 37th District, Chairperson; V. Johnson, 8th District; Chambers, 11th District; Chronister, 18th District; Landis, 46th District.
This bill introduced on behalf of: Auditor of Public Accounts.

A BILL FOR AN ACT relating to budgets; to amend section 23-923, Reissue Revised Statutes of Nebraska, 1943, and section 84-304.03, Revised Statutes Supplement, 1980; to provide an exemption; to change certain requirements for budget statements by political subdivisions; to require audit standards for political subdivisions; to prohibit certain activities; and to repeal the original sections.

LEGISLATIVE BILL 445. By Government, Military and Veterans Affairs Committee: Kahle, 37th District, Chairperson; Landis, 46th District; Goll, 16th District; V. Johnson, 8th District; Chronister, 18th District.

This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to counties; to amend sections 23-1901 and 39-1506, Reissue Revised Statutes of Nebraska, 1943, and section 32-308, Revised Statutes Supplement, 1980; to create the office of county engineer in certain counties as prescribed; to change provisions relating to the county surveyor; to change election provisions as prescribed; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 446. By Government, Military and Veterans Affairs Committee: Kahle, 37th District, Chairperson; Landis, 46th District; Goll, 16th District; Chambers, 11th District; Chronister, 18th District; V. Johnson, 8th District.
This bill introduced on behalf of: Secretary of State.

A BILL FOR AN ACT relating to elections; to amend sections 32-216, 32-265, 32-403, 32-424, 32-425, 32-450, 32-451, 32-456, 32-471, 32-4,132, 32-504, 32-510, 32-519, 32-519.01, 32-526, 32-702, 32-703, 32-707.01, 32-711, 32-713, 32-803, 32-819, 32-1001.44, 32-1003, 32-1221, 32-1241, 79-106, and 79-2646, Reissue Revised Statutes of Nebraska, 1943, and sections 32-212, 32-4,152, and 32-537, Revised Statutes Supplement, 1980; to change provisions relating to voter registration, election officials, candidate eligibility, compensation, prohibited acts, filings, ballots, employees serving as election officials, and election procedures as prescribed; to repeal the original sections, and also section 32-428.01, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 447. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; Rumery, 42nd District; Marsh, 29th District; Dworak, 22nd District; Cope, 36th District; Hoagland, 6th District; Labedz, 5th District; Fowler, 27th District.
This bill introduced on behalf of: 81-1,102 R.S. Supp., 1980.

A BILL FOR AN ACT to amend section 71-149, Reissue Revised Statutes of Nebraska, 1943, and sections 71-121.01 and 71-124.01, Revised Statutes Supplement, 1980, relating to public health and welfare; to define terms; to change provisions relating to the Bureau of Examining Boards; to provide duties; to provide powers; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 448. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; Rumery, 42nd

District; Marsh, 29th District; Dworak, 22nd District; Cope, 36th District; Hoagland, 6th District; Labedz, 5th District; Fowler, 27th District.
This bill introduced on behalf of: 81-1,102 R.S. Supp., 1980.

A BILL FOR AN ACT relating to medicine and surgery; to amend sections 71-1,106 and 71-2610, Reissue Revised Statutes of Nebraska, 1943, and sections 71-133, 71-162, and 81-196, Revised Statutes Supplement, 1980; to change provisions relating to the Board of Examiners in Medicine and Surgery; to provide duties; to change provisions relating to examinations; to change fees as prescribed; to state intent; to provide education requirements before licensure renewal; to provide duties for the State Board of Health; to provide for the continuation of the Board of Examiners in Medicine and Surgery; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 449. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; Rumery, 42nd District; Marsh, 29th District; Dworak, 22nd District; Cope, 36th District; Hoagland, 6th District; Labedz, 5th District; Fowler, 27th District.
This bill introduced on behalf of: 81-1,102 R.S. Supp., 1980.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,136.01, 71-1,136.03, and 71-2610, Reissue Revised Statutes of Nebraska, 1943, and sections 71-133, 71-162, and 81-196, Revised Statutes Supplement, 1980; to change provisions relating to the Board of Examiners in Optometry; to provide duties; to change provisions relating to examinations; to change fees as prescribed; to state intent; to provide duties for the State Board of Health; to provide for the continuation of the Board of Examiners in Optometry; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 450. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; Rumery, 42nd District; Marsh, 29th District; Dworak, 22nd District; Cope, 36th District; Hoagland, 6th District; Labedz, 5th District; Fowler, 27th District.
This bill introduced on behalf of: 81-1,102 R.S. Supp., 1980.

A BILL FOR AN ACT relating to podiatry; to amend sections 71-174.01 and 71-2610, Reissue Revised Statutes of Nebraska, 1943, and sections 71-133, 71-162, and 81-196, Revised Statutes Supplement, 1980; to change provisions relating to the Board of Examiners in Podiatry; to provide duties; to change provisions relating to examinations; to change fees as prescribed; to state intent; to provide duties for the State Board of Health; to provide for the continuation of the Board of Examiners in Podiatry; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 451. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; Rumery, 42nd District; Marsh, 29th District; Dworak, 22nd District; Cope, 36th District; Hoagland, 6th District; Labedz, 5th District; Fowler, 27th District.
This bill introduced on behalf of: 81-1,102 R.S. Supp., 1980.

A BILL FOR AN ACT relating to osteopathy; to amend sections 71-1,137, 71-1,139, 71-1,139.01, and 71-1,140, Reissue Revised Statutes of Nebraska, 1943, and sections 33-150, 71-111, 71-112, 71-116, 71-122, 71-139, and 71-162, Revised Statutes Supplement, 1980; to eliminate the duties of the Board of Examiners in Osteopathy; to provide duties for the Board of Examiners in Medicine and Surgery; to transfer records; to change provisions relating to fees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

MR. CLARK PRESIDING

MOTION - Re-refer Bill

Mr. Koch renewed his motion found in the Journal on page 261 to read as follows:

Mr. Koch moved pursuant to Rule 6, section 2 to re-refer LB 245 from Agriculture and Environment Committee to Education Committee.

SPEAKER MARVEL PRESIDING

Mr. Dworak offered the following amendment to the Koch motion:

Amend the Koch amendment to refer to Appropriations.

Messrs. DeCamp and Fowler asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Dworak asked unanimous consent to withdraw his amendment to the Koch motion. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 3 nays, and 16 not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 19:

Barrett
Beutler
Beyer
Chambers
Cullan
Fitzgerald
Haberman
Hoagland
Kilgarin
Koch
Landis
Marsh
Newell
Pirsch
Stoney
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 26:

Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Dworak
Goll
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner

Present and not voting, 2:

Fenger
Goodrich

Excused and not voting, 2:

Fowler
Maresh

The Koch motion lost with 19 ayes, 26 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 452. By Landis, 46th District.
This bill introduced on behalf of: my constitutents.

A BILL FOR AN ACT to adopt the Underground Storage Act; and to provide a penalty.

LEGISLATIVE BILL 453. By Sieck, 24th District.
This bill introduced on behalf of: Silver-Haired Legislators.

A BILL FOR AN ACT to amend section 77-2004, Revised Statutes Supplement, 1980, relating to the inheritance tax; to provide an exemption from the tax; and to repeal the original section.

LEGISLATIVE BILL 454. By Carsten, 2nd District.
This bill introduced on behalf of: Governor Thone.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1980, relating to revenue and taxation; to change the adjustment increments for sales and income tax rates; and to repeal the original section.

LEGISLATIVE BILL 455. By Fowler, 27th District.
This bill introduced on behalf of: State teachers.

A BILL FOR AN ACT to repeal sections 79-1287 to 79-1295, Reissue Revised Statutes of Nebraska, 1943, relating to schools; and to repeal the Nebraska Teachers' Professional Negotiations Act.

LEGISLATIVE BILL 456. By Wesely, 26th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to adopt the Fire and Structural Safety Act; to amend sections 48-418 to 48-418.13, 48-701 to 48-703, 48-705 to 48-710, 48-713, 48-714.01, 48-715 to 48-718, 71-1555 to 71-1558, 71-1560 to 71-1562, 71-1564 to 71-1567, 71-4601 to 71-4607, 71-4609 to 71-4620, 72-1101 to 72-1118, 72-1122 to 72-1124, 81-101, 81-102, 81-501.01, 81-502, 81-502.04, 81-503 to 81-510, 81-514, 81-516 to 81-520, 81-521, 81-524 to 81-527, 81-530 to 81-532, 81-535 to 81-537, 81-539, 81-540, 81-542 to 81-544, 81-546 to 81-549, 81-574, 81-576, 81-580, 81-582, 81-583, 81-585, 81-586, 81-588, 81-591, 81-593, 81-595, 81-597, 81-599, 81-5,100, 81-5,104, 81-5,108, 81-5,109, and 81-5,112, Reissue Revised Statutes of Nebraska, 1943, and sections 48-704, 48-712, 48-714, 48-714.02, 71-1559, 71-1563, 71-4608, 72-1119, 72-1120, 72-1121, 81-502.01 to 81-502.03, 81-513, 81-520.01, 81-520.02, 81-523, 81-550, 81-572, 81-573, 81-575, 81-577, 81-578, 81-579, 81-590, 81-596, 81-598, 81-5,105, 81-5,110, 81-5,111, 81-5,113, 81-5,117, 81-5,123, and 81-1608 to 81-1626, Revised Statutes Supplement, 1980; to provide an operative date; and to repeal the original sections, and also section 81-551, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 457. By Fitzgerald, 14th District; Hefner, 19th District.
This bill introduced on behalf of: highway advisory board.

A BILL FOR AN ACT to amend section 50-421, Reissue Revised Statutes of Nebraska, 1943, relating to the Transportation Advisory Committee; to increase the membership; and to repeal the original section.

LEGISLATIVE BILL 458. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Goodrich, 20th District; Warner, 25th District; Rumery, 42nd District; Schmit, 23rd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to retirement; to amend sections 15-1013.02, 23-2319, 24-706, 60-458, 79-1049, 79-1527, 79-1529, and 84-1321, Reissue Revised Statutes of Nebraska, 1943, and sections 16-336, 23-2315, 35-212, and 84-1317, Revised Statutes Supplement, 1980; to change provisions relating to certain benefits; to change vesting provisions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 459. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Goodrich, 20th District; Warner, 25th District; Rumery, 42nd District; Schmit, 23rd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2307, 23-2308, 24-703, 24-710, 84-1308, 84-1309, and 84-1311, Reissue Revised Statutes of Nebraska, 1943; to revise contributions and benefits for certain retirement systems; and to repeal the original sections.

LEGISLATIVE BILL 460. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Goodrich, 20th District; Rumery, 42nd District; Schmit, 23rd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 72-1246 and 72-1247, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Investment Council; to change provisions relating to duties and requirements of the state investment officer; to provide for authorized investments as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 461. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Goodrich, 20th District; Rumery, 42nd District; Warner, 25th District; Schmit, 23rd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2306, 24-707, and 84-1307, Reissue Revised Statutes of Nebraska, 1943, and sections 60-452.01, 84-1301, 85-106, and 85-320, Revised Statutes Supplement, 1980; to provide uniform membership requirements for certain public employees; to change certain benefits; to change certain vesting provisions; to change provisions relating to the receipt of benefits; and to repeal the original sections.

LEGISLATIVE BILL 462. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Goodrich, 20th District; Rumery, 42nd District; Warner, 25th District; Schmit, 23rd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2310, 24-705, 24-710, and 60-444, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2317 and 60-452.01, Revised Statutes Supplement, 1980; to limit additions to certain accounts; to change provisions relating to benefits; to change provisions relating to annuities; and to repeal the original sections.

LEGISLATIVE BILL 463. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Rumery, 42nd District; Goodrich, 20th District; Warner, 25th District; Schmit, 23rd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to retirement; to amend section 15-1001, Reissue Revised Statutes of Nebraska, 1943, and sections 15-1007, 16-330, 16-336, 35-201, 35-212, 79-1521, 85-106, 85-320, and 85-606, Revised Statutes Supplement, 1980; to change provisions relating to contributions to certain retirement systems as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 464. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Rumery, 42nd

District; Goodrich, 20th District; Warner, 25th District; Schmit, 23rd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to retirement; to amend sections 15-1001, 19-3501, and 84-1501, Reissue Revised Statutes of Nebraska, 1943, and sections 16-330, 35-201, and 84-1503, Revised Statutes Supplement, 1980; to require certain cities and villages to create retirement committees; to provide duties; to increase the membership of the Public Employees Retirement Board; to provide additional duties for such board; to provide for advisory committees; and to repeal the original sections.

LEGISLATIVE BILL 465. By Pirsch, 10th District.
This bill introduced on behalf of: County Correction Officers.

A BILL FOR AN ACT relating to crimes and punishments; to impose certain conditions upon the sentences of person convicted for assault while in custody.

LEGISLATIVE BILL 466. By Labedz, 5th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 71-148, Revised Statutes Supplement, 1980, relating to public health; to define an act of unprofessional conduct; and to repeal the original section.

LEGISLATIVE BILL 467. By Barrett, 39th District.
This bill introduced on behalf of: Taxpayers of Nebraska.

A BILL FOR AN ACT to amend sections 16-707 and 77-1759, Reissue Revised Statutes of Nebraska, 1943, and section 77-1701, Revised Statutes Supplement, 1980, relating to collection of certain taxes; to require delivery of certain statements; to require county treasurers to make certain reports; and to repeal the original sections.

LEGISLATIVE BILL 468. By Chronister, 18th District.
This bill introduced on behalf of: Nebraska Grain and Feed Dealers Association.

A BILL FOR AN ACT to amend section 75-303, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to exempt certain motor carriers from certain regulations of the Public Service Commission; and to repeal the original section.

LEGISLATIVE BILL 469. By Koch, 12th District.
This bill introduced on behalf of: Political Subdivisions.

A BILL FOR AN ACT to amend section 14-1041, Reissue Revised Statutes of Nebraska, 1943, relating to metropolitan class cities; to change provisions relating to water district's funds and payments; to eliminate certain provisions relating to the allocation of the district's funds; and to repeal the original section, and also section 14-1042, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 470. By Business and Labor Committee: Maresh, 32nd District, Chairperson; Barrett, 39th District; Vickers, 38th District; Goll, 16th District; Fitzgerald, 14th District; Labedz, 5th District; Wiitala, 31st District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 48-601 and 48-627, Reissue Revised Statutes of Nebraska, 1943, and sections 48-628 and 48-628.02, Revised Statutes Supplement, 1980, relating to the Employment Security Law; to require that a waiting period be served between benefit years established during periods of continuous unemployment; to delete the existing disqualification when a claimant has merely applied for primary insurance benefits under the Social Security Act; to add language to deny extended benefits to individuals unemployed due to voluntary leaving, discharge for misconduct, or refusal of suitable work; to deny extended benefits when paid under an interstate claim in a state where the extended benefit period is not in effect; and to repeal the original sections.

LEGISLATIVE BILL 471. By Hoagland, 6th District.
This bill introduced on behalf of: The People of the State of Nebraska.

A BILL FOR AN ACT to amend section 12-518, Reissue Revised Statutes of Nebraska, 1943, relating to cemeteries; to authorize use of certain grounds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 472. By Hoagland, 6th District.
This bill introduced on behalf of: The People of the State of Nebraska.

A BILL FOR AN ACT to amend section 79-329.01, Revised Statutes Supplement, 1980, relating to schools; to extend a grant of authority; and to repeal the original section.

LEGISLATIVE BILL 473. By Cullan, 49th District.
This bill introduced on behalf of: the power industry and their customers ie., the people of Nebraska.

A BILL FOR AN ACT relating to industrial siting; to adopt the Industrial Siting Act as prescribed; to provide duties; and to define terms.

LEGISLATIVE BILL 474. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; H. Peterson, 35th District; Higgins, 9th District; Sieck, 24th District; Vickers, 38th District; Pirsch, 10th District; Carsten, 2nd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, sections 7 and 19, of the Constitution of Nebraska, and the further amendment to Article XV of the Constitution of Nebraska, by adding a new section 19 thereto, relating to the Legislature; to create a Legislative Compensation Commission; to provide duties; to provide that compensation for members of the Legislature shall be adjusted as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 475. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; H. Peterson, 35th District; Pirsch, 10th District; Sieck, 24th District; Higgins, 9th District; Vickers, 38th District; Carsten, 2nd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 24-715 to 24-717, 24-719 to 24-723, and 24-726 to 24-728, Reissue Revised Statutes of Nebraska, 1943, relating to the judiciary; to harmonize provisions with the Constitution of Nebraska; to change the membership of the Commission on Judiciary Qualifications; to provide additional disciplinary measures and an additional ground for discipline; to provide procedures; and to repeal the original sections.

LEGISLATIVE BILL 476. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Higgins, 9th District; H. Peterson, 35th District; Pirsch, 10th District; Sieck, 24th District; Vickers, 38th District; Carsten, 2nd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 37-1005 and 37-1008, Reissue Revised Statutes of Nebraska, 1943, relating to game and parks; to provide for the Recreation Liability Act to apply to political subdivisions; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 477. By Pirsch, 10th District.
This bill introduced on behalf of: victims and witnesses of crime in Nebraska.

A BILL FOR AN ACT to amend section 81-1423, Revised Statutes Supplement, 1980, relating to law enforcement; to provide aid to witnesses and victims of crime; to create a fund; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 478. By Pirsch, 10th District.
This bill introduced on behalf of: Handicapped Citizens of Nebraska.

A BILL FOR AN ACT to amend section 77-3508, Revised Statutes Supplement, 1980, relating to homesteads; to provide an exemption as prescribed; and to repeal the original section.

LEGISLATIVE BILL 479. By Revenue Committee: Carsten, 2nd District, Chairperson; Wagner, 41st District; Newell, 13th District; Hefner, 19th District; V. Johnson, 8th District; Kahle, 37th District; Burrows, 30th District; H. Peterson, 35th District.
This bill introduced on behalf of: Department of Revenue.

A BILL FOR AN ACT to amend section 77-1330, Revised Statutes Supplement, 1980, relating to taxation; to provide procedures for implementing guides issued by the Tax Commissioner; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 480. By Hoagland, 6th District; Beyer, 3rd District.
This bill introduced on behalf of: The People of the State of Nebraska.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 24-519, 44-503.01, 77-3307, 77-3310, and 77-3313, Reissue Revised Statutes of Nebraska, 1943, and sections 24-559, 77-2102, 77-27,136, and 77-27,137, Revised Statutes Supplement, 1980; to eliminate the inheritance tax; to harmonize provisions; to eliminate the discharge of liens as prescribed; to increase an appropriation to the Governmental Subdivision Fund; to eliminate obsolete language; to provide an operative date; and to repeal the original sections, and also sections 33-126.03, 77-1923 to 77-1928, and 77-1933 to 77-1937, Reissue Revised Statutes of Nebraska, 1943, and Chapter 77, article 20, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

LEGISLATIVE BILL 481. By Fenger, 45th District.
This bill introduced on behalf of: Nebraska Association of County Officials.

A BILL FOR AN ACT to amend section 77-3425, Revised Statutes Supplement, 1980, relating to the Political Subdivision Budget Limit Act of 1979; to provide an exception to the act for certain state tax source receipts; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 482. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Beyer, 3rd District; Fenger, 45th District; Newell, 13th District; Von Minden, 17th District; Barrett, 39th District.
This bill introduced on behalf of: Committees.

A BILL FOR AN ACT to amend section 49-1499, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Political Accountability and Disclosure Act; to change provisions relating to potential conflicts of interest; and to repeal the original section.

LEGISLATIVE BILL 483. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Von Minden, 17th District; Fenger, 45th District; Newell, 13th District; Barrett, 39th District; Beyer, 3rd District; Fitzgerald, 14th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 53-169, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to change provisions relating to advertising items given to retailers; and to repeal the original section.

LEGISLATIVE BILL 484. By Wiitala, 31st District.
This bill introduced on behalf of: Public Employees of Nebraska.

A BILL FOR AN ACT relating to state employees; to amend sections 81-1323, 81-1325, 84-1001, and 84-1003, Reissue Revised Statutes of Nebraska, 1943, and section 81-1330, Revised Statutes Supplement, 1980; to change certain provisions relating to sick leave; to provide longevity pay; to provide for a paid holiday; to provide additional pay for employees working certain hours; and to repeal the original sections.

LEGISLATIVE BILL 485. By Sieck, 24th District.
This bill introduced on behalf of: Public Utilities of Nebraska.

A BILL FOR AN ACT to amend section 75-711, Reissue Revised Statutes of Nebraska, 1943, and sections 75-710, 75-719, and 75-720, Revised Statutes Supplement, 1980, relating to the Public Service Commission; to change procedures for application of electric line construction; to change certain construction requirements of transmission lines; to change provisions for proposed construction of certain electrical lines; and to repeal the original sections.

LEGISLATIVE BILL 486. By Fenger, 45th District; Beyer, 3rd District; DeCamp, 40th District; Hefner, 19th District; Von Minden, 17th District; Beutler, 28th District; Goll, 16th District; Burrows, 30th District; Maresh, 32nd District; Haberman, 44th District; Kahle, 37th District; Wagner, 41st District; Schmit, 23rd District; R. Peterson, 21st District; Remmers, 1st District.
This bill introduced on behalf of: people who got shafted.

A BILL FOR AN ACT to amend sections 77-602, 77-603, 77-604, 77-606, and 77-621, Revised Statutes Supplement, 1980, relating to revenue and taxation; to change provisions relating to the taxation of railroad property as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 487. By Wesely, 26th District; V. Johnson, 8th District.
This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 41-109, 41-110, 41-112 to 41-114, 41-117 to 41-119, 41-122 to 41-127, 71-2017, 71-2017.01, and 71-2017.02, Reissue Revised Statutes of Nebraska, 1943; to define a term; to provide for supervision of boarding homes by the Department of Health as prescribed; to provide duties; to eliminate references to certain rooming and boarding houses; and to repeal the original sections, and also section 41-102, Reissue Revised Statutes of Nebraka, 1943.

LEGISLATIVE BILL 488. By Goodrich, 20th District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT relating to certain constitutional officers; to amend sections 24-201.01, 81-1010, and 84-723, Reissue Revised

Statutes of Nebraska, 1943, and sections 84-201.01 and 84-721, Revised Statutes Supplement, 1980; to define a term; to provide a salary increase and adjustment for such officers; to provide such officers with motor vehicles; to provide a duty; and to repeal the original sections.

LEGISLATIVE BILL 489. By L. Johnson, 15th District; H. Peterson, 35th District; Carsten, 2nd District.
This bill introduced on behalf of: Nebraska League of Municipalities.

A BILL FOR AN ACT relating to crimes and punishments; to provide a penalty for damaging, injuring, or interferring with public services as prescribed; to amend section 28-515, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1980; to change provisions relating to theft of services; to harmonize provisions; and to repeal the original sections, and also sections 86-329 to 86-331, Reissue Revised Statutes of Nebraska, 1943.

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 58	Wednesday, February 4, 1981 (Cancel)	2:00 p.m.
LB 144	Wednesday, January 28, 1981	10:30 a.m.
LB 122	Wednesday, February 4, 1981	2:00 p.m.
LB 58	Wednesday, February 11, 1981	2:00 p.m.
LB 171	Wednesday, February 18, 1981	2:00 p.m.
LB 194	Wednesday, February 18, 1981	2:00 p.m.
LB 196	Wednesday, February 18, 1981	2:00 p.m.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chronister asked unanimous consent to add his name to LB 3. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Rules

Tuesday, January 27, 1981 12:00 Noon

Proposed rule changes by Senator Warner
Rule 5, Sec. 6 (a), (e), and (g) and
Rule 8, Sec. 1 - 7

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Messrs. Hefner and H. Peterson asked unanimous consent to add their names to LB 278. No objections. So ordered.

MOTION - Proposed Rule Changes

Mr. Warner offered the following rule changes:
1. Amend subsections (a), (e), and (g) of Sec. 6 of Rule 5 to read as follows:

"(a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the government subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact ~~of more than five thousand dollars~~ shall be heard by a committee or considered on General File unless the fiscal note is attached.

(e) When amendments to a bill are adopted by ~~a committee or~~ the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note each time the bill is advanced to Enrollment and Review or upon the written request of an member of the Legislature.

(g) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation ~~of $50,000 or more~~ to implement in the ensuing fiscal year , an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairman of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading."

2. Strike subsection (f) of Sec. 6 of Rule 5 and renumber remaining subsections (g) to (l) as subsections (f) to (k) respectively.

3. Insert Rule 8 as follows:

"Section 1. The purpose of this Rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, and (2) restrict the growth in state appropriations.

Sec. 2. The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the recommended total General Fund appropriation for each year of the following biennium. Such report shall include information based upon the committee's initial review of (1) state agency, board, and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, and (6) economic conditions affecting the State of Nebraska.

Sec. 3. The report required in section 2 of this Rule shall be presented by the chairperson of the Appropriations Committee to the Legislature, or his or her designee, to the Legislature within ten Legislative days after the Governor presents his or her budget.

Sec. 4. Based upon the Appropriations Committee's report, the Legislature shall adopt a resolution which specifically establishes a maximum General Fund appropriation for each year of the following biennium. Any resolution or amendment to the resolution which provides for a maximum General Fund appropriation in excess of the recommendation made under section 2 of this Rule shall require thirty-three votes for adoption. Any resolution to endorse the recommendation made under section 2 of this Rule or any amendment to the resolution to reduce the maximum General Fund appropriation shall require twenty-five votes for adoption.

Sec. 5. Not less than one per cent of the General Fund biennium appropriation provided for in section 4 of this Rule shall be allocated for the funding of "A" bills, legislative bills that result in the reduction of revenue to the General Fund, and amendments to the appropriation bills as reported to General File by the Appropriations Committee of the Legislature. All "A" bills which appropriate General Funds shall not be read on final reading until the Appropriations Committee has reported to General File the appropriation bills which provide for the ongoing appropriation to state agencies, boards, and commissions. Such appropriation bills reported, plus the allocation for the funding of "A" bills, shall not be in excess of the appropriation provided for in section 4 of this Rule. The appropriation provided for in an "A" bill shall be for not less than two fiscal years.

Sec. 6. In order to provide a standard for reviewing competing appropriation requests within the sane appropriation policy area and to provide a system for prioritizing appropriations, the priority for appropriations shall be: (1) Priority 1 - state appropriations to continue the services and financial assistance currently provided by state agencies, boards, and commissions; (2) Priority 2 - state appropriations for an increase to current appropriations due to (a) an increase in population or individuals served, (b) the cost of adding a new service, or (c) an increase in the quality of services currently provided; (3) Priority 3 - state appropriations for the continued payment of current aid to any political subdivision; (4) Priority 4 - state appropriations for increased aid to any political subdivisions pursuant to legislation passed prior to the effective date of this Rule; and (5) Priority 5 - state appropriations for legislation passed after the effective date of this Rule which requires the state to provide increased aid to political subdivisions or assume financial responsibility for services or programs currently being provided by political subdivisions. Such appropriation priorities shall be used by the Appropriations Committee of the Legislature during the development of appropriation bills which provide for the ongoing operation of state agencies, boards, and commissions.".

Referred to the Rules Committee.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 238	Monday, January 26, 1981	1:30 p.m.
LB 154	Monday, January 26, 1981	2:30 p.m.
LB 185	Monday, January 26, 1981	3:15 p.m.
LB 187	Monday, January 26, 1981	3:30 p.m.
LB 139	Tuesday, January 27, 1981	1:30 p.m.
LB 199	Tuesday, January 27, 1981	2:30 p.m.

LB 244	Tuesday, January 27, 1981	3:00 p.m.
LB 137	Monday, February 2, 1981	1:30 p.m.
LB 214	Monday, February 2, 1981	2:30 p.m.

(Signed) John W. DeCamp, Chairperson

VISITORS

Visitors to the Chamber were 11 sixth grade students and teacher from Sacred Heart School, Lincoln.

RECESS

At 11:58 a.m., on a motion by Mr. Rumery, the Legislature recessed until 3:30 p.m.

AFTER RECESS

The Legislature reconvened at 3:36 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Fowler, Hoagland, Nichol, Vickers, and Mrs. Labedz who were excused until they arrive.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 5.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 57. Placed on General File as amended.
Standing Committee amendment to LB 57:
1. On page 2, line 24, after the period insert
"For purposes of this section, a renewal of insurance shall not be considered a sale of insurance.".

(Signed) John W. DeCamp, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 170	Monday, January 26, 1981	10:30 a.m.
LB 172	Monday, January 26, 1981	10:30 a.m.
LB 178	Monday, January 26, 1981	1:30 p.m.
LB 179	Monday, January 26, 1981	1:30 p.m.
LB 19	Tuesday, January 27, 1981	10:30 a.m.
LB 59	Tuesday, January 27, 1981	10:30 a.m.
LB 167	Tuesday, January 27, 1981	1:30 p.m.
LB 168	Tuesday, January 27, 1981	1:30 p.m.
LB 140	Wednesday, January 28, 1981	10:30 a.m.
LB 151	Wednesday, January 28, 1981	1:30 p.m.
LB 169	Wednesday, January 28, 1981	1:30 p.m.

(Signed) Calvin F. Carsten, Chairperson

Banking, Commerce and Insurance

LB 195	Tuesday, February 3, 1981	1:30 p.m.

(Signed) John W. DeCamp, Chairperson

Administrative Rules and Regulations

LB 130	Wednesday, January 28, 1981	8:00 a.m.

(Signed) Vard R. Johnson, Chairperson

Miscellaneous Subjects

LB 27	Thursday, January 29, 1981	1:30 p.m.
LB 82	Thursday, January 29, 1981	1:30 p.m.
LB 101	Friday, January 30, 1981	10:30 a.m.
LB 134	Friday, January 30, 1981	1:30 p.m.
LB 136	Friday, January 30, 1981	1:30 p.m.
LB 67	Thursday, February 5, 1981	1:30 p.m.
LB 77	Thursday, February 5, 1981	1:30 p.m.

LB 124	Friday, February 6, 1981	1:30 p.m.
LB 217	Friday, February 6, 1981	1:30 p.m.

(Signed) Elroy Hefner, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 254 through 309.

LB 206 was re-referred direct to General File.

LB	Committee
254	Education
255	Appropriations
256	Revenue
257	Banking, Commerce and Insurance
258	Miscellaneous Subjects
259	Education
260	Public Health and Welfare
261	Public Health and Welfare
262	Public Health and Welfare
263	Public Health and Welfare
264	Public Health and Welfare
265	Urban Affairs
266	Administrative Rules and Regulations Review
267	Public Health and Welfare
268	Public Health and Welfare
269	Public Health and Welfare
270	Public Health and Welfare
271	Banking, Commerce and Insurance
272	Banking, Commerce and Insurance
273	Banking, Commerce and Insurance
274	Banking, Commerce and Insurance
275	Banking, Commerce and Insurance
276	Banking, Commerce and Insurance
277	Banking, Commerce and Insurance
278	Revenue
279	Business and Labor
280	Government, Military and Veterans Affairs
281	Government, Military and Veterans Affairs
282	Government, Military and Veterans Affairs
283	Agriculture and Environment
284	Revenue
285	Public Works
286	Judiciary
287	Nebraska Retirement Systems

288	Nebraska Retirement Systems
289	Judiciary
290	Public Works
291	Agriculture and Environment
292	Government, Military and Veterans Affairs
293	Public Health and Welfare
294	Government, Military and Veterans Affairs
295	Public Health and Welfare
296	Public Health and Welfare
297	Government, Military and Veterans Affairs
298	Urban Affairs
299	Revenue
300	Revenue
301	Government, Military and Veterans Affairs
302	Public Works
303	Education
304	Revenue
305	Education
306	Revenue
307	Urban Affairs
308	Education
309	Education

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 16 through January 19, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Brown, Marvin L., Lincoln - Beatrice Parents Association
Heald, Arlie F., Lincoln - Nebraska State Council of Elect Workers
Howard, Dave, Lincoln - Nebraska Association of Area Agencies on Aging
Howard, Robert N., Omaha - Sheet Metal Contractors Association
Nelson, Nette A., Lincoln - Associated Students of the University of Nebraska

Norris, Richard G., Shawnee Mission - Standard Oil Company (Indiana)
O'Neill, John F., Lincoln - Lincoln Mutual Life Insurance Company
Pierson, David C., Lincoln - Nebraska Dental Association
Robinson, Albert E., North Platte - Nebraska Society of Radiologic Technologists
Ryan, James E., Lincoln - Nebraska Judicial Conference, Nebraska State Colleges-Board of Trustees, Thoroughbred Racing Association of Nebraska
Tews and Radcliffe:
  Radcliffe, Walter H., Lincoln - Nebraska Judicial Conference, Retail Merchants Association of Nebraska, Inc., Scientific Games, Nebraska Insurance Information Service

ANNOUNCEMENT

Mr. Lamb announced an Executive Board meeting at 9:00 a.m., Monday, January 26, 1981 in room 1520.

RESOLUTION

LEGISLATIVE RESOLUTION 6. Read. Considered.

Messrs. Wagner, DeCamp, and Fenger renewed their pending amendment found in the Journal on page 259 for the Ninth Day.

Mr. Carsten asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

The Wagner, DeCamp, and Fenger amendment was adopted with 41 ayes, 0 nays, and 8 not voting.

LR 6 was adopted, as amended, with 42 ayes, 1 nay, and 6 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 490. By Goodrich, 20th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend section 81-573, Revised Statutes Supplement, 1980, relating to the State Electrical Division; to transfer control of such division; to provide duties of the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 491. By Cope, 36th District.
This bill introduced on behalf of: Nebraska Bankers Association.

A BILL FOR AN ACT to amend section 16-716, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to change provisions relating to maximum deposits of city funds; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 492. By Kahle, 37th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to counties; to authorize the issuance of certain bonds as prescribed; to provide limitations; to provide for notice; to provide for the levy of taxes; and to authorize the pledge of certain revenue.

LEGISLATIVE BILL 493. By Chambers, 11th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to adopt the Private Security Act; to amend section 81-1423, Revised Statutes Supplement, 1980; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 494. By Business and Labor Committee: Maresh, 32nd District, Chairperson; Labedz, 5th District; Goll, 16th District; Vickers, 38th District; Wiitala, 31st District.
This bill introduced on behalf of: Department of Labor.

A BILL FOR AN ACT to repeal section 48-418.13, Reissue Revised Statutes of Nebraska, 1943, relating to health and safety regulations; to eliminate requirements relating to photoelectric tube devices on elevators.

LEGISLATIVE BILL 495. By Business and Labor Committee: Maresh, 32nd District, Chairperson; Labedz, 5th District; Goll, 16th District; Vickers, 38th District; Wiitala, 31st District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 48-414, Revised Statutes Supplement, 1980, relating to health and safety regulations; to exempt certain public power and irrigation districts from the provisions of Chapter 48, article 4; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 496. By Clark, 47th District.

This bill introduced on behalf of: Board Examiners Pharmacy.

A BILL FOR AN ACT to amend sections 71-1,142, 71-1,147.01, 71-1,147.07, and 71-1,147.09, Reissue Revised Statutes of Nebraska, 1943, and sections 71-113, and 71-115 to 71-117, Revised Statutes Supplement, 1980, relating to pharmacy; to increase membership of the Board of Examiners in Pharmacy; to provide for a lay member; to provide for a hospital pharmacist member; to provide terms and appointments as prescribed; to define terms; to provide certain requirements for the operation of certain pharmacies; and to repeal the original sections.

LEGISLATIVE BILL 497. By Hoagland, 6th District.
This bill introduced on behalf of: The People of the State of Nebraska.

A BILL FOR AN ACT relating to obsolete statutes; to eliminate provisions relating to a public library employees' retirement fund, garbage disposal facilities, sanitary drainage district audits, bottle clubs, the transfer of certain equipment and records, the substitution of names, contagious diseases, and antifreeze; and to repeal sections 14-127 to 14-130, 14-132 to 14-135.05, 19-2108 to 19-2110, 31-535, 53-160.03 to 53-160.06, 60-431.01, 68-709.01, 71-504, and 81-2,186 to 81-2,197, Reissue Revised Statutes of Nebraska, 1943, and section 53-160.07, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 498. By Barrett, 39th District.
This bill introduced on behalf of: Schools of Nebraska.

A BILL FOR AN ACT to amend sections 79-487 and 79-810, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3424, 79-903, and 79-1007, Revised Statutes Supplement, 1980, relating to schools; to allow a tax to be levied for the transportation of school children to and from school and school related activities as prescribed; to exempt such tax from certain limitations; and to repeal the original sections.

LEGISLATIVE BILL 499. By Landis, 46th District.
This bill introduced on behalf of: Public Health and Welfare Committee.

A BILL FOR AN ACT relating to the mentally retarded; to define terms; to provide procedure for the determination and assessment of needs for the mentally retarded; to provide for expenses and fees for such procedure; to provide for appointment of counsel; to amend sections 43-210.02, 43-220, 83-382, and 83-388, Reissue Revised

Statutes of Nebraska, 1943; to harmonize provisions; to eliminate certain provisions relating to the Beatrice State Developmental Center; to repeal the original sections, and also sections 83-220 to 83-222, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 500. By DeCamp, 40th District; Beutler, 28th District.
This bill introduced on behalf of: financial industry.

A BILL FOR AN ACT relating to capital stock associations; to define terms; to authorize organization of such associations as prescribed; to provide procedures; to provide limitations; and to authorize conversions as prescribed.

LEGISLATIVE BILL 501. By Fenger, 45th District.
This bill introduced on behalf of: City of Bellevue.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-102, 15-220, 16-206, and 17-526, Reissue Revised Statutes of Nebraska, 1943; to authorize the licensure and control of animals other than dogs; and to repeal the original sections.

LEGISLATIVE BILL 502. By Wesely, 26th District; DeCamp, 40th District; Schmit, 23rd District.
This bill introduced on behalf of: selves.

A BILL FOR AN ACT to amend sections 71-5801 to 71-5803, 71-5805, 71-5810, 71-5811, 71-5813, 71-5820 to 71-5823, 71-5828 to 71-5836, 71-5838, 71-5846, 71-5847, 71-5849 to 71-5857, 71-5859, 71-5860, 71-5862, 71-5865 to 71-5868, and 71-5870, Revised Statutes Supplement, 1980, relating to public health and welfare: to change provisions of the Nebraska Health Care Certificate of Need Act as prescribed; to change certificate requirements; to change procedures for application and review; to define and redefine terms; to provide procedures for determining applicability of such act; to exempt certain organizations and facilities; to provide notification procedures; to provide for approval of certain applications; to provide for application of this act; and to repeal the original sections, and also sections 71-5827 and 71-5842 to 71-5845, Revised Statutes

A BILL FOR AN ACT relating to infants; to provide visitations rights as prescribed.

LEGISLATIVE BILL 504. By Higgins, 9th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 28-318, 28,319, and 28-320, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and offenses; to redefine a term; to change provisions relating to sexual assault; to provide for a separate offense for sexual assault victims in facilities as prescribed; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 505. By Hefner, 19th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 48-628, Revised Statutes Supplement, 1980, relating to employment security; to provide a definition of an offer of suitable work as prescribed; and to repeal the original section.

LEGISLATIVE BILL 506. By Cullan, 49th District.
This bill introduced on behalf of: The people of Nebraska.

A BILL FOR AN ACT to adopt the Nebraska Smoking Disease and Cancer Research Act; to create a fund and specify the source and use thereof; to amend sections 77-2608 and 77-2616, Reissue Revised Statutes of Nebraska, 1943, and section 77-2602, Revised Statutes Supplement, 1980; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 507. By Cullan, 49th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 79-328, 85-969, 85-975, 85-977, 85-981, 85-985, 85-990, 85-992, 85-994, and 85-995 to 85-9,102, Revised Statutes Supplement, 1980; to terminate the Nebraska Coordinating Commission for Postsecondary Education; to repeal its powers and duties; to transfer powers and duties; to repeal the original sections, and also sections 85-901 to 85-909, Reissue Revised Statutes of Nebraska, 1943, and sections 85-910 to 85-916, 85-974, and 85-983, Revised Statutes Supplement, 1980; and to declare an emergency.

LEGISLATIVE BILL 508. By Wesely, 26th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT relating to reclamation districts; to amend sections 46-503 to 46-514, 46-518, 46-525, 46-529, 46-541, 46-564, and 46-566, Reissue Revised Statutes of Nebraska, 1943, and sections 46-516 and 46-543, Revised Statutes Supplement, 1980; to provide for additional district electors; to provide a public hearing before forming a district; to provide for additional findings as prescribed; to provide for district continuance elections every ten years; to provide for special elections as prescribed; to change election procedures as prescribed; to provide district election information to certain officials; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 509. By Chambers, 11th District.
This bill introduced on behalf of: Board of Barber Examiners.

A BILL FOR AN ACT to amend sections 71-206 and 71-208.08, Revised Statutes Supplement, 1980, relating to public health and welfare; to change provisions for certification of apprentice barbers; to change provisions relating to the training and instructional requirements for barbers and cosmetologists; and to repeal the original sections.

LEGISLATIVE BILL 510. By Lamb, 43rd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to mental retardation; to provide for contracts between regional offices and school districts as prescribed.

LEGISLATIVE BILL 511. By Lamb, 43rd District.
This bill introduced on behalf of: well drillers.

A BILL FOR AN ACT to amend section 60-301, Revised Statutes Supplement, 1980, relating to motor vehicle registration; to clarify an exemption; and to repeal the original section.

LEGISLATIVE BILL 512. By Pirsch, 10th District; Beutler, 28th District.
This bill introduced on behalf of: Homeowners of Nebraska.

A BILL FOR AN ACT to adopt the Nebraska Construction Lien Act; to provide duties of the Revisor of Statutes; to provide an operative date; and to repeal sections 52-101 to 52-114, 52-121, and 52-122, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 513. By Pirsch, 10th District; Beutler, 28th District.
This bill introduced on behalf of: homeowners of Nebraska.

A BILL FOR AN ACT to adopt the Construction Lien Act; to provide duties of the Revisor of Statutes; to provide an operative date; and to repeal sections 52-101 to 52-114, 52-121, and 52-122, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 514. By Pirsch, 10th District; Beutler, 28th District.
This bill introduced on behalf of: homeowners of Nebraska.

A BILL FOR AN ACT relating to mechanic's liens; to amend sections 52-101, 52-102, 52-103, 52-124, and 76-239.05, Reissue Revised Statutes of Nebraska, 1943; to require sending and filing certain notices as prescribed; to require furnishing of certain information; to increase penalties; and to repeal the original sections.

LEGISLATIVE BILL 515. By Nichol, 48th District.
This bill introduced on behalf of: Cemetery Districts.

A BILL FOR AN ACT to amend section 77-3423, Revised Statutes Supplement, 1980, relating to the Political Subdivision Budget Limit Act of 1979; to exempt certain political subdivisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 516. By Pirsch, 10th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 42-365 and 42-366, Revised Statutes Supplement, 1980, relating to divorce and alimony; to change certain provisions relating to the division of property; and to repeal the original sections.

LEGISLATIVE BILL 517. By DeCamp, 40th District.
This bill introduced on behalf of: Banking Committee.

A BILL FOR AN ACT to amend section 8-157, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to authorize the maintenance of certain branch banks as prescribed; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 7. By Wesely, 26th District; Hoagland, 6th District; V. Johnson, 8th District.

WHEREAS, it is the responsibility of the Nebraska Legislature to determine which occupations will be subject to the restrictions and privileges of professional licensure in order to protect the health, safety, and economic well-being of the public; and

WHEREAS, the requirements and evaluation procedures for obtaining a professional license should specifically relate to the qualifications of an applicant to effectively practice his or her profession; and

WHEREAS, procedures for evaluating applicants and disciplinary proceedings of practitioners, including the procedure for handling complaints by the public, should be fair and expeditious to the applicant, the practitioner, and the general public; and

WHEREAS, the purpose of regulation is to protect the public and not the economic interests of the occupational group, thus, the public should be involved in the regulatory process; and

WHEREAS, professional licensure procedures should include assurances of the continued competency of each practitioner to the public he or she serves; and

WHEREAS, licensure, accreditation, and clinical experience, jointly, in any given profession is essential for the protection of the public health and safety.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature approve professional licensure for an occupational group not previously licensed only when potential harm to the general public is easily recognizable or can be demonstrated.

2. That the Legislature, when considering a new area of professional licensure, should consider all elements of competency determination.

3. That the Legislature should approve professional licensure for occupational groups which are not independent practices and require supervision only after very close examination and scrutiny.

4. That the Legislature, when determining whether a need for regulation exists in an occupation and when determining whether to grant professional licensure is the most appropriate mode of regulation, address the following issues:

(a) To what extent has the public's health, safety, or economic well-being been harmed because the occupational group has not been regulated?

(b) Is there a high degree of independent judgment required of practicing members of the occupation and how much skill and experience are required in making these judgments?

(c) Has the occupational group established a code of ethics?

(d) Have alternatives to licensure been considered?

(e) Could the use of applicable laws and current standards or the strengthening of such laws and standards resolve the problems confronting the public or the occupational group?

(f) How will regulation of the profession assure that those licensed are competent to practice and what standards are proposed for granting licensure?

(g) Will applicants for a license be required to pass an examination?

(h) What assurance will the public have that those licensed in the profession will maintain their competence through such methods as continuing education?

(i) How will complaints of the public against those licensed in the profession be addressed?

(j) Will professional licensing restrict competition by the professional group?

(k) Will regulation increase the costs of goods and services to the consumer?

(l) Will regulation decrease the availability of professionals in the group?

(m) How will membership of the regulatory agency be composed?

(n) What will be the powers of the regulatory agency and how will their actions be subject to review?

(o) What groups are supporting the licensure of the occupation?

(p) Is the occupational group seeking to enhance its status by requiring licensure to practice?

(q) Is the public seeking greater accountability of the occupational group?

Laid over.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 191	Wednesday, February 4, 1981	2:00 p.m.
LB 234	Wednesday, February 4, 1981	2:00 p.m.
LB 235	Wednesday, February 4, 1981	2:00 p.m.

(Signed) Richard Maresh, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LR 6.

(Signed) Bernice Labedz

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 518. By H. Peterson, 35th District; DeCamp, 40th District.
This bill introduced on behalf of: Joseph James Soukup.

A BILL FOR AN ACT to make an appropriation for the payment of a claim against the state; to provide for the manner of payment; to provide conditions; and to declare an emergency.

LEGISLATIVE BILL 519. By DeCamp, 40th District.
This bill introduced on behalf of: Nebraskans.

A BILL FOR AN ACT to amend section 2-1210, Reissue Revised Statutes of Nebraska, 1943, relating to horse racing; to authorize race track messenger services; to define terms; to provide for licensure; to provide fees; to provide duties; to provide a tax and other charges as prescribed; to provide for expenditure of certain funds; to provide for revocation of a license; to state intent; to provide for severability; and to repeal the original section, and also section 2-1221, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 520. By V. Johnson, 8th District.
This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT to adopt the Child Care and Development Services Act; to provide a penalty; to repeal sections 43-531 and 71-1901 to 71-1904, Reissue Revised Statutes of Nebraska, 1943, and section 71-1905, Revised Statutes Supplement, 1980; and to declare an emergency.

LEGISLATIVE BILL 521. By V. Johnson, 8th District.
This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT relating to paupers and public assistance; to require counties to adopt written standards; to provide duties; to provide for hearings; to provide for appeals; to provide certain eligibility standards; to repeal sections 68-103 to 68-116, Reissue

Revised Statutes of Nebraska, 1943; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 522. By V. Johnson, 8th District.
This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT relating to public welfare; to transfer the administration of welfare programs from the counties to the state; to amend sections 28-710, 28-711, 28-713, 28-723 to 28-727, 43-501, 43-511, 43-512.03, 43-514, 43-515, 43-525, 43-529, 68-103 to 68-105, 68-109, 68-110, 68-115, 68-126, 68-128, 68-214, 68-309, 68-312, 68-313, 68-313.01, 68-716, 68-1001, 68-1007, 68-1014 to 68-1016, 68-1023, and 68-1206, Reissue Revised Statutes of Nebraska, 1943, and sections 19-2702, 19-2716, 43-512, 68-703, 68-1008, and 68-1022, Revised Statutes Supplement, 1980; to harmonzie provisions; to provide duties for the Department of Public Welfare; to eliminate certain assistance provisions; to provide an operative date; to repeal the original sections, and also sections 43-505, 43-506, 43-527, 43-528, 43-530, 68-106 to 68-109, 68-111 to 68-114, 68-116, 68-218, 68-310.01, 68-310.02, 68-322.01, 68-329, 68-704 to 68-709, 68-711, 68-1009, and 68-1010, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 523. By Executive Board: Lamb, 43rd District, Chairperson; Dworak, 22nd District; Pirsch, 10th District; Schmit, 23rd District; Marvel, 33rd District; Clark, 27th District; Fitzgerald, 14th District; Warner, 25th District; Carsten, 2nd District; Nichol, 48th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to apportionment; to repeal sections 5-104.07 to 5-104.10, Reissue Revised Statutes of Nebraska, 1943; to remove provisions establishing legislative districts.

LEGISLATIVE BILL 524. By Schmit, 23rd District; Kahle, 37th District; H. Peterson, 35th District; Chronister, 18th District; Von Minden, 17th District.
This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-101, 77-112, 77-2734, and 77-27,132, Reissue Revised Statutes of Nebraska, 1943, sections 68-1022, 77-27,136, 77-27,137, 77-3523, 79-1331, 79-1333.02, 79-1334, and 79-1336, Revised Statutes Supplement, 1980, and Laws 1980, LB 1002, sections 5, 6, 13, and 32; to change provisions relating to state aid to counties, cities, villages, and schools as prescribed; to provide that the state pay additional medical assistance; to increase the corporate income tax rate; to eliminate the authorization to impose a local sales and use tax; to provide operative dates; to repeal the original sections, and also sections 77-27,139, 77-27,140, and 77-27,143 to 77-27,148, Reissue Revised Statutes of Nebraska, 1943, sections 77-27,137.01, and 77-27,142 to 77-27,142.05, Revised Statutes Supplement, 1980, and sections 8 and 9 of this act; and to declare an emergency.

LEGISLATIVE BILL 525. By Sieck, 24th District.
This bill introduced on behalf of: Nebraska County Attorneys Association.

A BILL FOR AN ACT relating to criminal procedure; to compel testimony of a witness; to provide immunity; and to repeal section 29-2011.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 526. By Burrows, 30th District.
This bill introduced on behalf of: Law Enforcement.

A BILL FOR AN ACT relating to disability compensation; to amend sections 48-121 and 60-452.01, Revised Statutes Supplement, 1980; to change compensation rates for certain state employees as prescribed; to repeal the original sections; and to declare an emergency.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Burrows asked unanimous consent to add his name to LB 144. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 527. By Schmit, 23rd District; Von Minden, 17th District; Wagner, 41st District; R. Peterson, 21st District.
This bill introduced on behalf of: selves.

A BILL FOR AN ACT relating to water and land resources; to provide intent; to create the position and office of Executive Coordinator for Natural Resources; to provide powers and duties of such executive coordinator; to transfer functions from the Nebraska Natural Resources Commission to the Department of Water Resources as prescribed; to provide for the Water Project Implementation Program; to provide for funding; to create a fund; to amend section 2-3264, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1505 and 77-2602, Revised Statutes Supplement, 1980; to provide duties of the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 528. By Goodrich, 20th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend section 54-201, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to provide a lien for the furnishing of certain products and services as prescribed; and to repeal the original section.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Kremer asked unanimous consent to add his name to LB 182. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 156	Tuesday, January 27, 1981	10:30 a.m.

(Signed) Jerome Warner, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 529. By Agriculture and Environment Committee: Schmit, 23rd District, Chairperson; R. Peterson, 21st District; Nichol, 48th District; Wagner, 41st District.
This bill introduced on behalf of: Feed grain dealers.

A BILL FOR AN ACT relating to warehouses; to amend sections 88-401, 88-502, 88-503, 88-504, 88-516, 88-517, and 88-519, Reissue Revised Statutes of Nebraska, 1943, and section 88-518, Revised Statutes Supplement, 1980, to change bonding provisions; to provide duties and powers; to create a commission; to provide for elections of members; to create a fund; to provide for collection of certain fees; and to repeal the original sections.

LEGISLATIVE BILL 530. By Kilgarin, 7th District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT to amend sections 32-216, 32-216.02, 32-223, and 32-224.01, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to require certain information on voter registration lists; to require certain information on voter registration forms; and to repeal the original sections.

LEGISLATIVE BILL 531. By Labedz, 5th District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, Section 7, of the Constitution of Nebraska, relating to the Legislature; to provide that members of the Legislature shall receive a salary of not to exceed the amount provided by law; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 532. By Koch, 12th District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT to repeal section 39-6,191, Reissue Revised Statutes of Nebraska, 1943, relating to guest passengers.

UNANIMOUS CONSENT - Member Excused

Mr. V. Johnson asked unanimous consent to be excused Monday, January 26, 1981. No objections. So ordered.

ADJOURNMENT

At 4:25 p.m., on a motion by Mr. Goodrich, the Legislature adjourned until 9:30 a.m., Monday, January 26, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 26, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE FIRST SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 26, 1981

Pursuant to adjournment, the Legislature met at 9:33 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Arthur Homburg, Messiah Lutheran Church, Ralston, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. Cullan, DeCamp, Fowler, Hoagland, Maresh, Schmit, Warner, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 305, line 13, after "Games", strike "Nebraska Insurance Information Service"; insert:
Whelan, Gerald T. - Hastings, Scientific Games
Wylie, William M. - Lincoln, Nebraska Insurance Information Service

Page 308, on lines 35, 36, 37, and 38 add: "Supplement, 1980.

LEGISLATIVE BILL 503. By Higgins, 9th District.
This bill introduced on behalf of: Nebraska Children and Grandparents."
The Journal for the Tenth Day was approved as corrected.

REPORT OF EXECUTIVE BOARD

January 20, 1981

Mr. Pat O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Please print the following information in the Legislative Journal:

"For the purpose of accurately and efficiently computing the statistics relevant to State Aid to Education, the Executive Board of the Legislative Council unanimously approved on January 20, 1981, an amount up to $2500 to the Education Committee for contracting for computer programming and print-out services.

"The data will serve to provide the members of the Legislature with a current up-date of specific allocations for each school district in Nebraska, and will serve a most useful purpose as each State Senator evaluates the needs of the school district of his or her district."

Sincerely,
(Signed) Howard Lamb, Chairperson
Executive Board

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 310 through 401.

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

LB	**Committee**
310	Government, Military and Veterans Affairs
311	Urban Affairs
312	Urban Affairs
313	Education
314	Public Health and Welfare
315	Government, Military and Veterans Affairs
316	Education
317	Education
318	Education
319	Education
320	Education

321	Education
322	Agriculture and Environment
323	Business and Labor
324	Urban Affairs
325	Public Works
326	Public Works
327	Banking, Commerce and Insurance
328	Judiciary
329	Banking, Commerce and Insurance
330	Banking, Commerce and Insurance
331	Agriculture and Environment
332	Revenue
333	Agriculture and Environment
334	Appropriations
335	Judiciary
336	Education
337	Business and Labor
338	Education
339	Judiciary
340	Judiciary
341	Judiciary
342	Revenue
343	Revenue
344	Public Works
345	Judiciary
346	Judiciary
347	Judiciary
348	Public Works
349	Banking, Commerce and Insurance
350	Urban Affairs
351	Government, Military and Veterans Affairs
352	Revenue
353	Judiciary
354	Urban Affairs
355	Banking, Commerce and Insurance
356	Judiciary
357	Nebraska Retirement Systems
358	Banking, Commerce and Insurance
359	Urban Affairs
360	Revenue
361	Public Works
362	Urban Affairs
363	Education
364	Public Works
365	Nebraska Retirement Systems

366	Nebraska Retirement Systems
367	Nebraska Retirement Systems
368	Miscellaneous Subjects
369	Nebraska Retirement Systems
370	Education
371	Education
372	Judiciary
373	Revenue
374	Revenue
375	Public Works
376	Banking, Commerce and Insurance
377	Revenue
378	Public Health and Welfare
379	Public Health and Welfare
380	Judiciary
381	Appropriations
382	Public Works
383	Public Works
384	Agriculture and Environment
385	Agriculture and Environment
386	Judiciary
387	Nebraska Retirement Systems
388	Public Works
389	Public Health and Welfare
390	Revenue
391	Education
392	Urban Affairs
393	Revenue
394	Business and Labor
395	Nebraska Retirement Systems
396	Agriculture and Environment
397	Revenue
398	Public Works
399	Nebraska Retirement Systems
400	Public Works
401	Public Works

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 6.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 5

January 20, 1981

Dear Senator Remmers:

This is in reply to your inquiry concerning the constitutionality of LB137 which you state "would require all people to show proof of financial responsibility before being issued a registration for a motor vehicle," the proof limited to insurance.

The present financial responsibility law requires that persons show proof of financial responsibility after having an accident of stated severity as a condition of retaining his or her license to operate a motor vehicle.

In the case of Hadden v. Aitken, 156 Neb. 215, the constitutionality of the present act was questioned in several respects. The Supreme Court of Nebraska in upholding the constitutionality of the act stated in part:

> The purpose of this Act is to protect the public on the highways against the operation of motor vehicles by financially irresponsible persons and thus is referable to the police power of the state. This power is inherent in every sovereignty and permits the enactment of laws, within constitutional limits, to promote the general welfare of its citizens. Therefore, in the interests of the public the state may make and enforce regulations reasonably calculated to promote care on part of all who use its highways.
>
> As stated in Escobedo v. State of California, 35 Cal. 2d 870, 222 P.2d 1: "The state, in the exercise of its police power, could constitutionally have required deposit of security by the owners of all vehicles as a condition to licensing them. (Opinion of the Justices, In re (1925), 81 N.H. 566 [129 A. 117, 39 A.L.R. 1023]; Opinion of the Justices, In re (1925), 251 Mass. 569 [147 N.E. 681]; Brest v. Commissioner of Insurance (1930), 270 Mass. 7 [169 N.E. 657]; Ex parte Poresky (1933), 290 U.S. 30[54 S.Ct. 3, 78 L.Ed. 152].) Instead, the state chose to allow financially irresponsible licensed operators to drive until they became involved in an accident with the consequences described in sections 419 and 420 of the Vehicle Code and their financial irresponsibility was thus brought to the attention of the department, and then to require suspension of their licenses." See also, Doyle v. Kahl, 242 Iowa 153, 46 NW.2d 52; Rosenblum v. Griffin, 89 N.H. 314, 197 A. 701, 115 A.L.R. 1367.

You will note the court apparently approved the language from the California case contained in the above case that a deposit of security before licensing could have been required.

We do not see sufficient difference in LB137 from the act approved by the Nebraska Supreme Court to cause us concern over the defense of the constitutionality of LB137 except perhaps in the situation where a party is unable to buy insurance because no company wants to insure him. Most states take care of this problem by including an assigned risk plan which provides that the state's liability insurance carriers are required to accept and insure individuals as equitably apportioned under a plan or, in the alternative, provide for a deposit of security by those who are unable to obtain insurance. LB137 would be easier to defend constitutionally if provisions such as those just mentioned were added.

Respectfully submitted,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:jmf
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 6
January 23, 1981

Dear Senator Higgins:

You have asked our opinion as to the constitutional validity of LB 256. This bill would amend Neb.Rev.Stat §77-208(1) (d) (Reissue 1976). Neb.Rev.Stat. §77-2702(12) (a) (iv) (1980 Supp.) includes in the definition of retailer, "every person engaged as a public utility in furnishing telephone, telegraph, gas, electricity, sewer, and water service, and every person engaged in furnishing community antenna television service as defined in subdivision (4) (b) of this section."

Neb.Rev.Stat. §77-2703 (Reissue 1976) requires retailers to collect the sales tax from the consumer. Section 77-208 (1) (d) now provides that the taxpayer (i.e. the retailer collecting the tax) shall deduct from such taxes to be remitted to the Tax Commissioner three percent thereof to reimburse himself for the cost of collecting the tax. LB 256 would amend this subsection by providing that such withholding shall not apply to public utilities.

We cannot at this point say categorically that this amendment is or is not valid, but it appears to be constitutionally suspect as constituting unreasonable classification.

Article III, section 18 of the Nebraska Constitution provides, with certain exceptions, that where a general law can be made applicable, no special law shall be enacted. This provision has been construed many times to prohibit the Legislature from creating unreasonable classes. The rule is that the Legislature may make a reasonable classification of persons, corporations, and property for purposes of legislation concerning them, but the classification must rest upon real differences of situation and circumstances surrounding the members of the class relative to the subject of legislation, which render appropriate its enactment. See, State ex rel. Rogers v. Swanson, 192 Neb. 125, 219 N.W.2d 726 (1974).

LB 256 would make one class of all retailers collecting sales tax, except public utilities, and make a separate class consisting of public utilities, permitting the first class to be reimbursed for collecting the tax, and denying this right to the second class. It may be that some factual showing could be made that public utilities incur no expense in the collection of the tax, or incur less than other retailers. Or some other justification may exist which is not readily apparent to us. In any event, the court would have to be convinced that such a "difference of situation or circumstances" existed before the act could be upheld.

We point out that §77-2702(12) (a) (iv) more or less lumps together public utilities and persons furnishing community antenna television service, without defining the furnishers of the television service as public utilities. Therefore, under LB 256, the public utilities could not withhold the three percent of their sales tax collections, whereas the furnishers of the television service could. In many respects the two classes seem very similar, and it would be hard to distinguish between them.

In summary, if the Legislature were to enact this bill on the basis of some supportable conclusion on its part that substantial differences, relevant to the legislation, exist between public utilities and other retailers, the act could probably be sustained. Such differences are not readily apparent, however, and, at the moment, we consider the bill's validity doubtful.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smb

cc: Mr. Patrick O'Donnell
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS
Rules

Tuesday, February 3, 1981 12:00 Noon

Proposed rules change by Senator DeCamp:
Amend Rule 5, Sec. 5(d) (Journal, pg. 180-181)

(Signed) Don Wesely, Chairperson

Banking, Commerce and Insurance

LB 150	Monday, February 2, 1981	3:00 p.m.
LB 273	Tuesday, February 3, 1981	2:00 p.m.
LB 274	Tuesday, February 3, 1981	2:30 p.m.
LB 275	Tuesday, February 3, 1981	3:15 p.m.

(Signed) John W. DeCamp, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1. Placed on Select File.
LEGISLATIVE BILL 2. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

REPORTS

Received annual report from Department of Administrative Services, Division of Accounting, Social Security Bureau, pursuant to Section 68-618, R.R.S. 1943, regarding the State Social Security Act.

Received list of state offices and employees individually bonded by Nebraska Department of Insurance pursuant to Section 11-203.

Received report from Nebraska Coordinating Commission for Postsecondary Education in regard to LB 1004, 1980.

Received resolutions from International Association of Chiefs of Police, Inc., adopted at their 87th Annual Conference.

Received from Administrative Advisory Committee for Older Nebraskans the 1981 Plan in compliance with the requirement of the Older Nebraskans Act.

Received Mini-Series Report from Nebraska Coordinating Commission for Postsecondary Education.

MOTION - Add Co-Introducer

Mr. Maresh asked unanimous consent to add his name to LB 529. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 221	Thursday, February 5, 1981	1:30
LB 225	Thursday, February 5, 1981	1:30
LB 294	Thursday, February 5, 1981	1:30
LB 186	Friday, February 6, 1981	1:30
LB 247	Friday, February 6, 1981	1:30
LB 301	Friday, February 6, 1981	1:30

(Signed) Martin Kahle, Chairperson

GENERAL FILE

LEGISLATIVE BILL 60. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, and 18 not voting.

LEGISLATIVE BILL 71. Title read. Considered.

Advanced to E & R for Review with 38 ayes, 0 nays, and 11 not voting.

MOTION - Withdraw Bill

Mr. Rumery moved to suspend Rule 5, Sec. 11 and Rule 3, Sec. 12 to allow for withdrawal of a bill and cancellation of the public hearing.

The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Mr. Rumery moved to withdraw LB 52 and cancel the public hearing.

The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

GENERAL FILE

LEGISLATIVE BILL 206. Title read. Considered.

Mr. Fenger requested pursuant to Rule 6, Sec. 2 (b) that LB 206 be referred to Miscellaneous Subjects Committee.

ANNOUNCEMENT

Mr. Lamb announced an Executive Board meeting Tuesday, January 27, 1981 at 8:45 a.m. in room 1520.

EXECUTIVE BOARD REPORT

January 23, 1981

Mr. Pat O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

The Executive Board of the Legislative Council reports the following Appointments:

1. SPECIAL COMMITTEE APPOINTMENTS

A. Education Commission of the States
Senator Koch - Chairman
Senator Warner
Senator Vickers
Senator Wiitala

B. Building Maintenance Committee
Senator Cope - Chairman
Senator Fowler
Senator Dworak
Senator Rumery

C. Transportation Advisory Committee
Senator Fitzgerald - Chairman
Senator Carsten
Senator Kremer
Senator Sieck
Senator Maresh

D. Telecommunications

Senator Clark - Chairman	4th District
Senator Wagner	
Senator Chronister	3rd District
Senator Sieck	
Senator Pirsch	2nd District
Senator Goodrich	
Senator Burrows	1st District
Senator Wesely	

EXECUTIVE BOARD SUB-COMMITTEE APPOINTMENTS

Senator Lamb will serve as Co-Chairman, along with the following senators, of these Executive Board Sub-Committees.

Senator Nichol	Personnel
Senator Fitzgerald	Office Space
Senator Clark	Travel

APPOINTMENT TO THE MISSOURI RIVER TRANSPORTATION COMMISSION

Senator Maresh	Member
Senator Carsten	Alternate

Please print the above action by the Executive Board in the Legislative Journal.

Sincerely,
(Signed) Howard Lamb
State Senator

HL:lp

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 84	Monday, February 2, 1981	1:30 p.m.
LB 99	Monday, February 2, 1981	1:30 p.m.
LB 166	Monday, February 2, 1981	1:30 p.m.
LB 23	Tuesday, February 3, 1981	1:30 p.m.
LB 120	Tuesday, February 3, 1981	1:30 p.m.
LB 205	Tuesday, February 3, 1981	1:30 p.m.

LB 90	Wednesday, February 4, 1981	1:30 p.m.
LB 96	Wednesday, February 4, 1981	1:30 p.m.
LB 126	Wednesday, February 4, 1981	1:30 p.m.

(Signed) William E. Nichol, Chairperson

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 141. Placed on General File as amended.
Standing Committee amendment to LB 141:

1. On page 2, line 12, after the period insert "Any person who would have been eligible for the supplemental retirement benefits provided under this section if this act had been operative on January 1, 1981, but who did not, during the months of January and February 1981, receive such benefits shall be entitled to an accumulated payment for such months to be made in March 1981.".

(Signed) Steve Fowler, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 8.

Introduced by Burrows, 30th District.

WHEREAS, a new administration has begun in Washington and must deal with the staggering economic problems of the nation, including spiraling inflation, unemployment, and high interest rates; and

WHEREAS, high interest rates historically have hastened major recessions and depressions and have typically resulted in increased income disparities; and

WHEREAS, high interest rates force extreme hardships upon selected businesses such as home builders, farmers, contractors, manufacturers, shippers, energy producers, and major processors, which require massive capital expenditures for efficiency and quality advancements; and

WHEREAS, high interest rates force extreme hardships upon consumers, add to the costs incurred by American businesses which are passed on to the American consumers, and cause the inflationary spiral to accelerate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature send their best wishes and encouragement to President Reagan and his administration as it attempts to resolve the nation's economic and other problems.

2. That the Legislature encourages President Reagan, the Cabinet, Congress and the Federal Reserve Board of the United States to do all within their power to lower the rate of interest charged by any and all lending institutions.

3. That the members of the Legislature urge that the President, Cabinet, Congress, and Federal Reserve Board of the United States deal with the problem of inflation through means other than artificial increases in interest rates.

4. That the Clerk of the Legislature is directed to send copies of this resolution to President Reagan, members of his Cabinet, Nebraska's delegation in both houses of the Congress of the United States, members of the Federal Reserve Board of the United States and to the presiding officers of the legislative houses in each of the other states in the country.

Laid over.

VISITORS

Visitors to the Chamber were Larry Walthers and Charles Haskell, Burwell; and 90 students and teacher, Belmont School, Lincoln.

ADJOURNMENT

At 10:34 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Tuesday, January 27, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 27, 1981

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 27, 1981

Pursuant to adjournment, the Legislature met at 9:13 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Pastor Jack Glass, First Assembly of God Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Clark and V. Johnson who were excused; and Miss Kilgarin, Messrs. Beutler, Cullan, Hoagland, Maresh, Newell, and the members of the Executive Board who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eleventh Day was approved.

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1980 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT		FEE
Upper Big Blue	Attorney	$708.50

ATTORNEY GENERAL'S OPINION

Opinion No. 8
January 26, 1981

Dear Senator H. Peterson:

You have asked for our opinion concerning the constitutionality of LB 182 of the Eighty-Seventh Legislature, First Session, 1981. The same is hereinafter discussed.

If enacted into operative law, LB 182 would adopt a Balanced Treatment for Creation-Science and Evolution-Science Act. Section 2 of the legislative bill contains purported legislative findings that public school presentation of only evolution-science without any alternative model of origins abridges the United States Constitution's protection of freedom of religious exercise and of freedom of belief and speech; that it further abridges the United States Constitution's prohibition against establishment of religion; that it also violated the principle of academic freedom; and that it is not required by any compelling interest of the state. Thus, without more, it is readily apparent that LB 182 contains numerous conclusions of law. The powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as expressly directed or permitted. See, Neb.Const. Art. II, §1.

In State, ex rel. Sorensen, v. State Bank of Minatare, 123 Neb. 109, 114, 242 N.W. 278 (1932), the court stated:

> French legislators once imprisoned judges for failure to comply with the legislative will. Montesquieu suggested a government with legislative, executive and judicial departments, each independent of the other. The framers of the American Constitution and the people of Nebraska adopted that plan. It has been regarded by statesmen and philosophers as an outstanding advancement in the science of government. Throughout the judicial history of the present system the courts have scrupulously respected the prerogatives of the legislative and executive departments and extended to them the comity due to governmental divisions of equal rank, but courtesy does not extend to the surrendering of judicial power. It is an imperative duty of the judicial department of government to protect its jurisdiction at the boundaries of power fixed by the Constitution.

LB 182, in our opinion, violates Neb.Const. Art. II, §1. It is therefore unnecessary to consider at this time other constitutional issues raised by this legislative bill.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:jmf
cc: Patrick J. O'Donnell
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS

Public Health and Welfare

LB 261	Monday, February 2, 1981	2:00 p.m.
LB 262	Monday, February 2, 1981	2:00 p.m.
LB 264	Monday, February 2, 1981	2:00 p.m.
LB 260	Tuesday, February 3, 1981	2:00 p.m.
LB 263	Tuesday, February 3, 1981	2:00 p.m.
LB 296	Tuesday, February 3, 1981	2:00 p.m.

(Signed) Samuel K. Cullan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 141. Title read. Considered.

Standing Committee amendment found in the Journal on page 330 for the Eleventh Day was adopted with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, and 23 not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 7. Read. Considered.

Mr. Wesely moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Wesely requested a roll call vote.

Voting in the affirmative, 19:

Burrows
Chambers
Cullan
Dworak
Fenger
Fowler
Goll
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Marsh
Pirsch
Rumery
Vickers
Wesely
Wiitala

Voting in the negative, 23:

Barrett
Beyer
Carsten
Chronister
Cope
DeCamp
Fitzgerald
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Labedz
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Schmit
Sieck
Stoney
Von Minden
Wagner

Not voting, 7:

Beutler
Clark
Hoagland
Johnson, V.
Maresh
Newell
Warner

LR 7 lost with 19 ayes, 23 nays, and 7 not voting.

The Chair declared the Call raised.

GENERAL FILE

LEGISLATIVE BILL 57. Title read. Considered.

Standing Committee amendment found in the Journal on page 301 for the Tenth Day was adopted with 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, and 18 not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hefner asked unanimous consent to have his name added to LR 8. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 8. Read. Considered.

LR 8 was adopted with 28 ayes, 0 nays, and 21 not voting.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 155	Tuesday, February 3, 1981	1:30 p.m.
LB 158	Thursday, February 5, 1981	1:30 p.m.
LB 232	Friday, February 6, 1981	1:30 p.m.

LB 159	Tuesday, February 17, 1981	1:00 p.m.
LB 157	Friday, February 27, 1981	1:30 p.m.
LB 255	Friday, February 27, 1981	1:30 p.m.
LB 334	Tuesday, March 3, 1981	1:30 p.m.

(Signed) Myron Rumery, Vice Chairperson

Public Works

LB 190	Wednesday, February 4, 1981	1:30 p.m.
LB 246	Wednesday, February 11, 1981	1:30 p.m.
LB 325	Wednesday, February 11, 1981	1:30 p.m.
LB 388	Wednesday, February 11, 1981	1:30 p.m.
LB 222	Thursday, February 19, 1981	1:30 p.m.
LB 401	Thursday, February 19, 1981	1:30 p.m.
LB 224	Friday, February 20, 1981	1:30 p.m.
LB 252	Wednesday, February 25, 1981	1:30 p.m.
LB 348	Wednesday, February 25, 1981	1:30 p.m.
LB 230	Thursday, February 26, 1981	1:30 p.m.
LB 290	Thursday, February 26, 1981	1:30 p.m.
LB 361	Thursday, February 26, 1981	1:30 p.m.
LB 229	Friday, February 27, 1981	1:30 p.m.
LB 400	Friday, February 27, 1981	1:30 p.m.
LB 200	Wednesday, March 4, 1981	1:30 p.m.
LB 285	Wednesday, March 4, 1981	1:30 p.m.
LB 364	Wednesday, March 4, 1981	1:30 p.m.
LB 398	Wednesday, March 4, 1981	1:30 p.m.
LB 383	Thursday, March 5, 1981	1:30 p.m.

(Signed) Maurice A. Kremer, Chairperson

Education

LB 223	Monday, February 2, 1981	1:30 p.m.
LB 259	Monday, February 2, 1981	1:30 p.m.
LB 439	Monday, February 2, 1981	1:30 p.m.
LB 443	Monday, February 2, 1981	1:30 p.m.

LB 455	Monday, February 2, 1981	1:30 p.m.
LB 317	Tuesday, February 3, 1981	1:30 p.m.
LB 336	Tuesday, February 3, 1981	1:30 p.m.

(Signed) Jerry Koch, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 60. Placed on Select File.
LEGISLATIVE BILL 71. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Vickers asked unanimous consent to add his name to LB 332. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 402 through 532.

LB	**Committee**
402	Judiciary
403	Banking, Commerce and Insurance
404	Public Health and Welfare
405	Business and Labor
406	Miscellaneous Subjects
407	Government, Military and Veterans Affairs
408	Public Works
409	Banking, Commerce and Insurance
410	Business and Labor
411	Judiciary
412	Revenue
413	Judiciary
414	Judiciary
415	Public Health and Welfare
416	Constitutional Revision and Recreation
417	Public Works
418	Government, Military and Veterans Affairs
419	Constitutional Revision and Recreation
420	Urban Affairs
421	Public Health and Welfare
422	Public Health and Welfare

423	Education
424	Nebraska Retirement Systems
425	Banking, Commerce and Insurance
426	Banking, Commerce and Insurance
427	Education
428	Judiciary
429	Miscellaneous Subjects
430	Miscellaneous Subjects
431	Miscellaneous Subjects
432	Judiciary
433	Public Health and Welfare
434	Urban Affairs
435	Urban Affairs
436	Business and Labor
437	Urban Affairs
438	Revenue
439	Education
440	Education
441	Education
442	Public Health and Welfare
443	Education
444	Government, Military and Veterans Affairs
445	Government, Military and Veterans Affairs
446	Government, Military and Veterans Affairs
447	Public Health and Welfare
448	Public Health and Welfare
449	Public Health and Welfare
450	Public Health and Welfare
451	Public Health and Welfare
452	Agriculture and Environment
453	Revenue
454	Revenue
455	Education
456	Public Health and Welfare
457	Miscellaneous Subjects
458	Nebraska Retirement Systems
459	Nebraska Retirement Systems
460	Banking, Commerce and Insurance
461	Nebraska Retirement Systems
462	Nebraska Retirement Systems
463	Nebraska Retirement Systems
464	Nebraska Retirement Systems
465	Judiciary
466	Public Health and Welfare
467	Revenue

468	Agriculture and Environment
469	Urban Affairs
470	Business and Labor
471	Miscellaneous Subjects
472	Education
473	Public Works
474	Constitutional Revision and Recreation
475	Judiciary
476	Constitutional Revision and Recreation
477	Judiciary
478	Revenue
479	Revenue
480	Revenue
481	Revenue
482	Miscellaneous Subjects
483	Miscellaneous Subjects
484	Appropriations
485	Public Works
486	Revenue
487	Public Health and Welfare
488	Government, Military and Veterans Affairs
489	Judiciary
490	Miscellaneous Subjects
491	Urban Affairs
492	Government, Military and Veterans Affairs
493	Miscellaneous Subjects
494	Business and Labor
495	Business and Labor
496	Public Health and Welfare
497	Miscellaneous Subjects
498	Education
499	Public Health and Welfare
500	Banking, Commerce and Insurance
501	Urban Affairs
502	Public Health and Welfare
503	Judiciary
504	Judiciary
505	Business and Labor
506	Revenue
507	Education
508	Public Works
509	Public Health and Welfare
510	Public Health and Welfare
511	Public Works
512	Judiciary

513	Judiciary
514	Judiciary
515	Revenue
516	Judiciary
517	Banking, Commerce and Insurance
518	Business and Labor
519	Miscellaneous Subjects
520	Education
521	Public Health and Welfare
522	Public Health and Welfare
523	Miscellaneous Subjects
524	Revenue
525	Judiciary
526	Nebraska Retirement Systems
527	Public Works
528	Agriculture and Environment
529	Agriculture and Environment
530	Government, Military and Veterans Affairs
531	Constitutional Revision and Recreation
532	Judiciary

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

EASE

The Legislature was at ease from 10:25 a.m. until 10:27 a.m.

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

LB 206 Thursday, February 5, 1981 1:30 p.m.

(Signed) Elroy M. Hefner, Chairperson

VISITORS

Visitors to the Chamber were Frank Bemis and Bob Galloway from the Douglas County Assessor's office.

ADJOURNMENT

At 10:28 a.m., on a motion by Mr. Wagner, the Legislature adjourned until 9:00 a.m., Wednesday, January 28, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 28, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE FIRST SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 28, 1981

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Cullan, Hoagland, Schmit, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twelfth Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 8.

SELECT FILE

LEGISLATIVE BILL 1. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 2. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 60. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 71. Advanced to E & R for Engrossment.

MOTION - Withdraw Bill

Mrs. Marsh moved to suspend the rules, Rule 5, Section 11 to permit the withdrawal of LB 191 today.

The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Mrs. Marsh moved to withdraw LB 191 and cancel the public hearing.

The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Goll asked unanimous consent to be excused at 9:20 a.m. until he returns. No objections. So ordered.

EASE

The Legislature was at ease from 9:22 a.m. until 10:07 a.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 141. Placed on Select File.

LEGISLATIVE BILL 57. Placed on Select File as amended.
E & R amendment to LB 57:
1. On page 2, line 6, strike the comma and show stricken.

(Signed) Karen Kilgarin, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 9
January 19, 1981

Dear Senator Wesely:

In your letter of January 12, 1981, you call the provisions of Neb.Rev.Stat. § 32-1001.33 and § 32-1001.29 (Reissue 1978) to our attention.

Specifically you direct our attention to that portion of Neb.Rev.Stat. § 32-1001.33 (Reissue 1978), which requires the filing of a corporate surety bond by the unsuccessful candidate for the office of member of the Legislature seeking a recount and solicit our opinion as to whether this section is constitutional given the fact corporate surety bonds are not required of unsuccessful candidates for other elective offices. You indicate a desire to amend this section if it is our opinion that this provision is constitutionally infirm.

As to Neb.Rev.Stat. § 32-1001.29 (Reissue 1978), you direct our attention to the final portion of that section which allows the unsuccessful party in such recounts to recover costs including attorneys fees up to a maximum of $500.00. You ask our opinion of this section's constitutionality given the fact that successful candidates facing recounts in elections for other offices are not entitled to reimbusement for such costs. As in the case of the corporate surety bond requirement provision, you indicate a desire to delete this language if it is in our opinion unconstitutional.

We do not believe that either section is constitutionally suspect. Neither the Constitution of the United States nor the Constitution of the State of Nebraska requires that all persons in all instances be treated identically.

Generally speaking, only those persons similarly situated are required constitutionally to be treated alike. Therefore, while the Legislature most likely might not be constitutionally able to require such bonds and award such costs in challenges involving males but not females because both males and females are similarly situated and there is no rational basis for such a distinction. We do believe that the Legislature can treat legislative challenges differently than challenges to other elective offices.

Also applicable to your inquiry, are several other general principles of law which lead us to the conclusion expressed above. First, the right of an unsuccessful candidate to contest the election of his rival, is not a constitutional right, but purely a statutory right. Sutton v. Anderson, 176 Neb. 543, 126 N.W.2d 836 (1964). Secondly, as a general principle of law, courts would give preference to interpretations which would result in a statutes being constitutional as opposed to an interpretation which would render a legislative enactment invalid. Application of City of Seward v. Gruntorad, 158 Neb. 143, 62 N.W.2d 537 (1954).

Lastly, and perhaps most importantly, the Nebraska Constitution provides in Article III, Section 10: ". . . ; the Legislature shall determine the rules of its proceedings and be the judges of the election, returns, and qualifications of its members, . . ." In interpreting this constitutional provision, the Nebraska Supreme Court stated in State ex rel Johnson v. Hagemeister, 73 N.W.2d 625 (1955), that Article III, Section 10, gives the Legislature the power to determine: ". . . the propriety and effect of any action as it is taken by the body as it proceeds in the exercise of any power, in the transaction of any business, or in the performance of any duty conferred upon it by the Constitution." Therefore, given this constitutional provision making the Legislature the sole judge of the election of its members, and the provisions of Article II, Section 1, generally providing for the separation of powers between branches of government, we believe that a court would be extremely reluctant to pass judgment on the constitutional validity of either of the statutory provisions about which you inquire since they pertain directly to the procedure to be utilized in recounts concerning the office of member of the Legislature.

We therefore conclude that the two provisions about which you inquire would most likely be considered by a court to be a matter for the Legislature's exclusive determination or if subject to the court's jurisdiction, to be a constitutional exercise of the Legislature's discretionary powers.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:ekj
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 284	Monday, February 2, 1981	1:30 p.m.
LB 390	Monday, February 2, 1981	1:30 p.m.
LB 377	Tuesday, February 3, 1981	1:30 p.m.
LB 524	Tuesday, February 3, 1981	1:30 p.m.
LB 86	Wednesday, February 4, 1981	1:30 p.m.
LB 197	Wednesday, February 4, 1981	1:30 p.m.

(Signed) Calvin F. Carsten, Chairperson

Agriculture and Environment

LB 216	Thursday, February 19, 1981	1:30 p.m.
LB 243	Thursday, February 19, 1981	1:30 p.m.
LB 283	Thursday, February 19, 1981	1:30 p.m.
LB 396	Thursday, February 19, 1981	1:30 p.m.
LB 253	Friday, February 20, 1981	1:30 p.m.
LB 291	Friday, February 20, 1981	1:30 p.m.
LB 333	Friday, February 20, 1981	1:30 p.m.

LB 149	Thursday, February 26, 1981	1:30 p.m.
LB 245	Thursday, February 26, 1981	1:30 p.m.
LB 322	Thursday, February 26, 1981	1:30 p.m.
LB 384	Friday, February 27, 1981	1:30 p.m.
LB 385	Friday, February 27, 1981	1:30 p.m.
LB 331	Friday, February 27, 1981	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Public Works

LB 302	Thursday, February 5, 1981	1:30 p.m.
LB 375	Thursday, February 19, 1981	1:30 p.m.
LB 152	Wednesday, February 25, 1981	1:30 p.m.
LB 473	Friday, February 27, 1981	1:30 p.m.
LB 408	Thursday, March 5, 1981	1:30 p.m.
LB 417	Thursday, March 5, 1981	1:30 p.m.
LB 511	Thursday, March 5, 1981	1:30 p.m.
LB 326	Friday, March 6, 1981	1:30 p.m.
LB 508	Friday, March 6, 1981	1:30 p.m.
LB 527	Friday, March 6, 1981	1:30 p.m.
LB 382	Wednesday, March 11, 1981	1:30 p.m.
LB 485	Wednesday, March 11, 1981	1:30 p.m.
LB 344	Thursday, March 12, 1981	1:30 p.m.

(Signed) Maurice A. Kremer, Chairperson

Business and Labor

LB 191	Wednesday, February 4, 1981 (Cancel)	2:00 p.m.
LB 188	Wednesday, February 4, 1981	2:00 p.m.

(Signed) Richard Maresh, Chairperson

Nebraska Retirement Systems

LB 240	Thursday, February 5, 1981	7:00 p.m.
LB 288	Thursday, February 5, 1981	7:00 p.m.
LB 357	Thursday, February 5, 1981	7:00 p.m.

LB 365	Thursday, February 5, 1981	7:00 p.m.
LB 459	Thursday, February 5, 1981	7:00 p.m.

(Signed) Steve Fowler, Chairperson

Rules

Tuesday, February 3, 1981 12:00 Noon

Proposed rules change by Senator Maresh:
Amend Rule 5, Section 5 (subsections a and b)

(Signed) Don Wesely, Chairperson

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 15. Placed on General File.
LEGISLATIVE BILL 16. Placed on General File.
LEGISLATIVE BILL 207. Placed on General File.

LEGISLATIVE BILL 165. Placed on General File as amended.
Standing Committee amendment to LB 165:

1. On page 3, line 1, after the comma insert "fifty per cent of".

(Signed) Jerry Koch, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 238. Placed on General File as amended.
Standing Committee amendments to LB 238:

1. Add new sections as follows:

"Section 1. That section 81-885.21, Revised Statutes Supplement, 1980, be amended to read as follows:

81-885.21. (1) Each broker shall maintain a separate insured bank noninterest bearing checking account in this state in his or her name or the name under which he or she does business, which shall be designated a trust account in which all downpayments, earnest money deposits, or other trust funds received by him or her, his or her associate brokers, or his or her salesperson on behalf of his or her principal or any other person shall be deposited and remain until the transaction is closed or otherwise terminated unless all parties having an interest in the funds have agreed otherwise in writing.

(2) Each broker shall notify the commission of

the name of the bank or banks in which the trust account is maintained and also the name of the account on forms provided therefor.

(3) Each broker shall authorize the commission to examine such trust account by a duly authorized representative of the commission. Such examination shall be made annually or at such time as the commission may direct.

(4) A broker may maintain more than one trust account in his or her name or the name under which he does business if the commission is advised of such account as required in subsection (2) of this section.

(5) In the event a branch office maintains a separate trust account, a separate bookkeeping system shall be maintained in the branch office.

(6) A broker shall not be entitled to any part of the earnest money or other money paid to him or her or the entity under which he or she does business in connection with any real estate transaction as part or all of his or her commission or fee until the transaction has been consummated or terminated.

Sec. 3. That section 81-885.26, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-885.26. Within ~~fifteen~~ twenty days from the time of service of the complaint and notice the licensee shall file his or her sworn answer thereto, which shall contain all defenses which he or she intends to assert and no motions or other pleadings shall be authorized.

Sec. 4. That section 81-885.30, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-885.30. Within ~~ten~~ thirty days after an order of the commission has become final, the applicant for a license or a license holder may obtain judicial review thereof by serving upon the director a written notice of appeal and a demand in writing for certified transcript of all the papers on file in his or her office affecting or relating to such order, together with a transcript of the evidence and the payment of the fee therefor, and he or she shall, within thirty days from the entry of such order, file a petition for review in the district court for the county where the cause of action or some part thereof arose, together with a bond to the State of Nebraska in the sum of two hundred dollars, with sufficient surety to be approved by the clerk of the district court to which such appeal is taken and conditioned that the applicant for a license or license holder shall pay all costs taxed against him or her which may accrue to the commission by reason of taking such appeal. In lieu of such bond, a cash deposit of two hundred dollars may be made with the clerk for the same purpose. The petition for review need not be verified but shall state the grounds upon which such review is sought. The commission shall be deemed to be a party to any such review proceedings. The petition for review shall be served upon the director by leaving with him or her a copy of the petition and the commission shall file its answer within ten days from the date of service of the petition for review.".

2. Renumber original section 1 as section 2, and original sections 2 to 4 as sections 5 to 7, respectively.

3. On page 7, line 11, strike "section" and insert "sections 81-885.26, 81-885.30, and"; and in line 12 strike "section" and insert "sections 81-885.21 and".

(Signed) John W. DeCamp, Chairperson

Revenue

LEGISLATIVE BILL 178. Placed on General File.

(Signed) Calvin F. Carsten, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 185. Placed on General File.
LEGISLATIVE BILL 187. Placed on General File.
LEGISLATIVE BILL 244. Placed on General File.

LEGISLATIVE BILL 92. Placed on General File as amended.
Standing Committee amendments to LB 92:

1. On page 8, lines 26 and 27, reinstate the stricken matter.

2. On page 9, line 1, reinstate the stricken matter; and in lines 2 and 3 strike the new matter.

3. On page 10, line 2 after the semicolon insert "or"; in line 13 strike "; or" and insert ". ~~; or~~"; and strike lines 14 and 15 and show as stricken.

4. Strike original sections 4 and 7 through 9.

5. On page 12, line 22 after the second comma insert "and"; in line 23 strike "1-138, 1-139, and 1-160,"; and in line 24 strike ", 1-135,".

6. Renumber original sections 5, 6, and 10 as sections 4, 5, and 6 respectively.

7. Insert a new section as follows:

"Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage

17 and approval, according to law.".

LEGISLATIVE BILL 199. Placed on General File as amended. Standing Committee amendment to LB 199:

1. Insert the following new section:

"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) John W. DeCamp, Chairperson

Revenue

LEGISLATIVE BILL 170. Placed on General File as amended. Standing Committee amendments to LB 170:

1. On page 2, line 5, after "agency" insert "licensed pursuant to sections 81-8,158 to 81-8,183"; and in lines 5, 9, 22, and 25 strike "or credit".
2. On page 3, line 6, strike "ten" and insert "forty-five"; and in lines 12 and 16 strike "or credit".
3. On page 4, lines 4 and 5, strike "or credit".
4. On page 7, line 6, strike "credit or".
5. On page 11, line 26, strike "credit or".

(Signed) Calvin F. Carsten, Chairperson

REFERENCE COMMITTEE REPORT

The Reference Committee has adopted a motion to withdraw LB 421 from Public Health and Welfare, to be held by the Reference Committee for further reference.

(Signed) Howard Lamb, Chairperson

REFERENCE COMMITTEE REPORT

Governor's Appointments - Reference

Agriculture and Environment

Harry D. Shaffer, M.D., Environmental Control Council

Business and Labor

Richard L. Berkheimer, Commission of Industrial Relations

Constitutional Revision and Recreation

Richard Prasch, Game and Parks Commission
Stan Juelfs, Game and Parks Commission

Education

Dave Martin, Board of Trustees of NE State Colleges
Jim Preston, Safety Center Advisory Council
Sam Grimminger, Safety Center Advisory Council
Nancy Carr, Safety Center Advisory Council
Kenneth Kimball, M.D., Safety Center Advisory Council
Marvin Broman, Safety Center Advisory Council
Bud Weiss, Safety Center Advisory Council
Don Cattle, Safety Center Advisory Council
Ivan Abdouch (RA), Safety Center Advisory Council
Duane E. Schmidt (RA), Safety Center Advisory Council
Rollin Schneider (RA), Safety Center Advisory Council
Larry Morris (RA), Safety Center Advisory Council
Beth Klosterman
Coordinating Commission for Postsecondary Education
Robert H. Berkshire
Coordinating Commission for Postsecondary Education
Wendell Wood (RA)
Coordinating Commission for Postsecondary Education

Miscellaneous Subjects

Ray Simmons
Political Accountability and Disclosure Commission

Public Health and Welfare

M.L. Chaloupka, M.D.
Rural Health Manpower Commission

Public Works

Mark Covert - Board of Public Roads
Classifications and Standards
Diane Gless - Board of Public Roads
Classifications and Standards
Tom Harvat - Board of Public Roads
Classifications and Standards
Ray Lind - Board of Public Roads
Classifications and Standards
William Lindholm - Board of Public Roads
Classifications and Standards
D.J. Erlington (RA) - Board of Public Roads
Classifications and Standards
R. Doyle Hanson (RA) - Board of Public Roads
Classifications and Standards
Don Swing (RA) - Board of Public Roads
Classifications and Standards
Robert Martin, Motor Vehicle Industry Licensing Board
James H. McDonald, Motor Vehicle Industry Licensing Board
Sandra Kinsey, Motor Vehicle Industry Licensing Board

Donald Beltz, Motor Vehicle Industry Licensing Board
Bob Hinchcliff, Motor Vehicle Industry Licensing Board
Nebraska Retirement Systems
Lloyd Kilmer, Public Employees Retirement Board
Gretchen Gottschalk, Public Employees Retirement Board

MOTION - Rule Change

Mr. Maresh offered the following rule change:

1. In Rule 5, sec. 5 (subsections a and b) make the following changes:

(a) Except as provided in Rule 5, Sec. 6, no bill shall be introduced after the tenth legislative day during sessions in odd-numbered ~~or even-numbered~~ years, except as hereinafter provided.

(b) A bill may be introduced at the request of the Governor at any time. ~~A~~ In odd-numbered years, a standing committee or special committee may introduce a bill for any purpose including at the request of another senator provided said bill receives the endorsement of a majority of the committee members, whose names shall be on the bill. After the tenth legislative day in an odd-numbered year, any motion by a standing committee or a special committee to introduce a bill must receive a vote of three-fifths of the elected members of the Legislature for such bill to be introduced.

2. Insert the following new subsection to Rule 5, section 5:

"(f) In any regular session in an even-numbered year, the Legislature shall only consider (1) bills under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year, (2) appropriations bills, and (3) bills introduced after receiving a vote of four-fifths of the elected members of the Legislature.".

Referred to the Rules Committee.

RESOLUTIONS

LEGISLATIVE RESOLUTION 9.

Introduced by Carsten, 2nd District; Warner, 25th District.

WHEREAS, Bess Streeter Aldrich was a Nebraska author and writer who gave literary life to the pioneer trials and dreams; and

WHEREAS, Bess Streeter Aldrich for her narrations of Nebraska life was elected to the Nebraska Hall of Fame for 1971 and 1972; and

WHEREAS, the one hundredth anniversary of her birth occurs this year on February 17; and

WHEREAS, Bess Streeter Aldrich's literary contributions have enriched the lives of native Nebraskans and other citizens of this state and nation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That Bess Streeter Aldrich should be accorded the posthumous award of having a commemorative postal stamp issued by the United States Postal Service dedicated to her memory.
2. That a copy of this resolution be delivered to the United States Postal Service to serve as a petition for issuance of the Bess Streeter Aldrich commemorative stamp.

Laid over.

LEGISLATIVE RESOLUTION 10.

Introduced by Rumery, 42nd District; Cope, 36th District.

WHEREAS, cancer is still an unresolved cause of excessive premature human deaths; and

WHEREAS, Dr. Dale K. Sorenson, representing the American Veterinary Medical Association and the Association of American Veterinary Medical Colleges, has noted that cancer is not unique to humans and that there is an urgent need to increase the emphasis of cancer research on animals and poultry in order to reduce economic losses, to reduce mental anguish of people whose animals are lost, and to utilize to the fullest extent the excellent research model that animals represent in order to solve human cancer problems; and

WHEREAS, during testimony on Senate Bill 2043, four human cancer researchers indicated that animal cancer research represents a promising alternative; and

WHEREAS, research is being conducted on human and animal cancer without adequate transfer of research data; and

WHEREAS, United States Senator John Melcher of Montana has been instrumental in the enactment of legislation to provide twenty-five million dollars per year to coordinate research on diagnosis, prevention, and control of cancer in animals and birds for purposes of identifying any common factors in human and animal malignant tumors, if any such factors exist; and

WHEREAS, existing knowledge indicates similarities between the causes and mechanisms of cancer in humans and animals and it may be possible to develop treatment or prevention procedures for such cancers; and

WHEREAS, veterinary research has already provided a vaccine for control of avian leukosis, a cancer also known as Marek's disease in poultry; and

WHEREAS, the University of Nebraska Medical Center and the Department of Veterinary Science in the Institute of Agriculture and Natural Resources have staff with the scientific expertise and have the unique facilities and equipment to conduct coordinated cancer research.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature urges that a coordinated request for cancer research funds be submitted by the University of Nebraska Medical Center and the Institute of Agriculture and Natural Resources to obtain support under Senate Bill 2043 passed by the Ninety-sixth Congress and signed by the President.
2. That the Legislature encourages the University of Nebraska Medical Center and the Institute of Agriculture and Natural Resources on behalf of the State of Nebraska, to cooperate in the national effort to bring together existing knowledge on cancer to help solve this national health problem as soon as possible.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 533. By Kahle, 37th District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to amend section 71-5102, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5502 to 71-5507, Revised Statutes Supplement, 1980, relating to public health and welfare; to eliminate the Board of Ambulance Advisors and the Board of Advanced Emergency Medical Care; to create a new board; to provide for membership and duties; to provide an operative date; and to repeal the original sections, and also sections 71-5115 to 71-5118, Reissue Revised Statutes of Nebraska, 1943.

VISITORS

Visitors to the Chamber were fifty students and teachers from Cathedral Elementary School, Lincoln; Julie Claybaugh; and Wanda Mowry, Gering.

ADJOURNMENT

At 10:17 a.m., on a motion by Mr. Hefner, the Legislature adjourned until 9:00 a.m., Thursday, January 29, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 29, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 29, 1981

Pursuant to adjournment, the Legislature met at 9:06 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Pastor Jack Glass, First Assembly of God Church, Lincoln.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz and Mr. Carsten who were excused; and Miss Kilgarin, Mrs. Pirsch, Messrs. Cullan, Hoagland, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirteenth Day was approved.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 156. Placed on General File as amended.
Standing Committee amendment to LB 156:

1. Insert a new section as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Jerome Warner, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1, 2, 60, and 71.

(Signed) Karen Kilgarin, Chairperson

NOTICE OF COMMITTEE HEARINGS
Education

LB 91	Monday, February 9, 1981	1:30 p.m.
LB 320	Monday, February 9, 1981	1:30 p.m.
LB 254	Tuesday, February 10, 1981	1:30 p.m.
LB 338	Tuesday, February 10, 1981	1:30 p.m.
LB 423	Tuesday, February 10, 1981	1:30 p.m.
LB 78	Tuesday, February 17, 1981	1:30 p.m.
LB 321	Tuesday, February 17, 1981	1:30 p.m.
LB 313	Tuesday, February 17, 1981	1:30 p.m.
LB 507	Tuesday, February 17, 1981	1:30 p.m.
LB 13	Monday, February 23, 1981	1:30 p.m.
LB 308	Monday, February 23, 1981	1:30 p.m.
LB 309	Monday, February 23, 1981	1:30 p.m.
LB 218	Tuesday, February 24, 1981	1:30 p.m.
LB 371	Tuesday, February 24, 1981	1:30 p.m.
LB 441	Tuesday, February 24, 1981	1:30 p.m.
LB 210	Monday, March 2, 1981	1:30 p.m.
LB 251	Monday, March 2, 1981	1:30 p.m.
LB 316	Monday, March 2, 1981	1:30 p.m.
LB 318	Monday, March 2, 1981	1:30 p.m.
LB 498	Monday, March 2, 1981	1:30 p.m.
LB 208	Tuesday, March 3, 1981	1:30 p.m.
LB 319	Tuesday, March 3, 1981	1:30 p.m.
LB 305	Monday, March 9, 1981	1:30 p.m.
LB 427	Monday, March 9, 1981	1:30 p.m.
LB 472	Monday, March 9, 1981	1:30 p.m.
LB 370	Monday, March 9, 1981	1:30 p.m.

LB 303	Tuesday, March 10, 1981	1:30 p.m.
LB 391	Tuesday, March 10, 1981	1:30 p.m.
LB 440	Tuesday, March 10, 1981	1:30 p.m.

(Signed) Jerry Koch, Chairperson

Public Works

LB 364	Wednesday, March 4, 1981 (Cancel)	1:30 p.m.
LB 364	Thursday, March 12, 1981 (Reset)	1 :30 p.m.

(Signed) Maurice A. Kremer, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wagner asked unanimous consent to add his name to LB 18. No objections. So ordered.

REPORT

Received report from Public Employees Retirement Board on the Actuarial Valuation of the following retirement systems:
Nebraska State Patrolmen's Retirement System in accordance with Section 60-444, R.S. 1943, Reissue of 1978;
Nebraska Judges Retirement System in accordance with Section 24-705, R.S. 1943, Reissue of 1979;
Nebraska School Retirement System in accordance with Sections 79-1540 and 79-1503.01 R.S. 1943, Reissue of 1976;
Nebraska State Employees Retirement System in accordance with Section 84-1315, R.S. 1943, Reissue of 1976;
Nebraska County Employees Retirement System in accordance with Section 23-2313, R.S. 1943, Reissue of 1977.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 534. By Warner, 25th District.
This bill introduced on behalf of: at the request of Governor.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VII, section 6, of the Constitution of Nebraska, relating to education; to require legislative approval of the budget of the Board of Educational Lands and Funds; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 535. By Warner, 25th District.
This bill introduced on behalf of: at the request of Governor.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 22, of the Constitution of Nebraska, relating to the Legislature; to provide for appropriations during sessions in odd-numbered years; to permit four-year appropriations for new programs; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

SELECT FILE

LEGISLATIVE BILL 141. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 57. E & R amendment found in the Journal on page 342 for the Thirteenth Day was adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 15. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 16. Title read. Considered.

Advanced to E & R for Review with 36 ayes, 0 nays, and 13 not voting.

LEGISLATIVE BILL 207. Title read. Considered.

Mr. Haberman offered the following amendment:
To amend LB 207 to include the education of drivers of motorcycles.

Mr. Haberman asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 23:

Burrows
Chambers
Chronister
Cope
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Kilgarin
Koch
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Pirsch
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 23:

Barrett
Beutler
Beyer
Clark
Cullan
DeCamp
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kremer
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner

Excused and not voting, 3:

Carsten
Hoagland
Labedz

Failed to advance to E & R for Review with 23 ayes, 23 nays, and 3 not voting.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 10

January 26, 1981

Dear Senator Warner:

You have inquired concerning the legality of a semitrailer which is towed by a farm tractor, and whether or not such a combination may operate on our road system without a license. We conclude that the operation of such a combination on a public highway is not permitted under current law. A farm tractor is defined in Neb. Rev. Stat. §39-602 (25) (Supp. 1980): "Farm tractor shall mean every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry." Implements of husbandry are defined in subsection 35 as "... every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case usually primarily used off of any highway;" It is obvious that a semitrailer does not fall within the purview of the definition of an implement of husbandry.

A farm tractor is specifically exempted from the definition of motor vehicles in Neb. Rev. Stat. §60-301(3) (Supp. 1980). Therefore, it is not included within the catagory of vehicles required to be registered pursuant to Neb. Rev. Stat. §60-302 (Reissue 1978). It may be operated casually on the highways of this state if that operation is incidental to its use as a farm implement. It is clear from the various statutory references that the classification of a farm tractor as a farm implement is dependent upon its use in connection with agricultural operations. Further, both farm tractors and implements of husbandry are designed for use off of any highway. The exemption from registration for farm tractors and implements of husbandry is in recognition of the fact that these vehicles are used primarily in connection with farming operations. As such their occasional and infrequent operation on a highway is incidental to their primary use.

On the other hand, a semitrailer is required to be registered and is designed for the transportation of persons or property and is to be drawn by a motor vehicle. Neb. Rev. Stat. §§39-602(89) and 60-301(5) (Supp. 1980). Although not specifically stated, it is implicit that a semitrailer be drawn by a motor vehicle required to be licensed and registered. In that farm tractors are not designed to be operated on highways and not required to be registered, it logically follows that they may not legitimately be used as a power unit on a public highway in combination with a semitrailer.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Ruth Anne E. Galter
Assistant Attorney General

REG:ekj
CC: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 11
January 27, 1981

Dear Senator Sieck:

On January 15, 1981, we furnished you with an opinion responding to an inquiry you had submitted for our review about the constitutionality of LB 58, a bill to authorize airport authorities to transfer title to land to non-profit corporations for research purposes.

On January 20, 1981, we received your request for a supplemental opinion asking us to review LB 58 in light of Sections 20 and 21 of Article III of the Nebraska Constitution.

It appears to us that the essence of your question is whether LB 58 can constitutionally authorize airport authorities to convey title of land owned by them to non-profit corporations for research purposes for less than the full market value of the property. We find no violation of Article III, Section 20 of the Nebraska Constitution by such an arrangement, but we can be much less definitive with respect to Article III, Section 21, which provides as follows: "Lands under control of the state shall never be donated to railroad companies, private corporations or individuals."

We feel compelled to note preliminarily that we are not convinced that the effect of LB 58 would be to authorize the sale of land at less than market value in many, if not most, instances. The land sold pursuant to LB 58 would carry with it the stringent and perpetual restriction that it be used only for research purposes. It strikes us that the market value of property so restricted in use would be significantly less than that without such a restriction.

Notwithstanding that it has been contained in the Nebraska Constitution for over a century, the Nebraska Supreme Court has had little opportunity to interpret Section 21 of Article III. Similarly, cases from other jurisdictions that might be helpful are virtually non-existent. Nevertheless, our review has given rise to several observations. First, the larger the discrepancy between the authorized sales price and the market or appraised value of the property, the more suspect is the legislation. Second, the less that the legislation authorizing the sale to a private entity furthers a public purpose, the more suspect the legislation is on the question of donation. Third, where the legislation would restrict the sale only to certain purchasers, the more reasonable, appropriate and valid their classification, the less suspect the legislation with respect to the question of donations.

Yours truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Shanler D. Cronk
Assistant Attorney General

SDC:jmf
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 12
January 28, 1981

Dear Senator DeCamp:

You have submitted to us a copy of LB 284, and have asked our opinion as to the constitutional validity of the distribution formula found in section 11 of the bill. We conclude that this formula is constitutionally suspect.

Sections 1 through 5 of the bill provide for an appropriation of $70 million dollars, to be distributed to the counties pro rata upon the basis of the assessed value of real estate in each county. The money is then to be distributed to the taxing subdivisions in the county on the basis of the property tax revenues to be received by each such taxing subdivision during the current fiscal year. You have asked for no opinion on the validity of these sections, nor of sections 6, 7, and 8 of the bill, so we express no opinion.

Section 9 of the bill recites the fact that the Supreme Court recently struck down sections 2, 3, 4, and 5 of LB 882, Laws 1980 (Neb.Rev.Stat. §§77-3601, 77-3602, 77-3603, and 77-3604 (Supp. 1980)). See, State ex rel. Douglas v. Marsh, 207 Neb. 598 (1980). LB 882 and LB 882A had appropriated $70 million dollars to be distributed to the counties, and ultimately to the taxing subdivisions within the counties, on a basis which the court held was arbitrary and unreasonable, and therefore unconstitutional. Section 9 also recites that the subdivisions had relied, to their detriment, upon getting the money allocated to them by LB 882, that the disaster facing them was not their fault, and that it was the responsibility of state government to mitigate the damage caused by this situation.

Section 10 of the bill creates the Governmental Subdivisions Economic Emergency Disaster Relief Fund, and appropriates $6 million dollars to it.

Section 11 provides:

> It shall be the responsibility of the State Auditor to determine which subdivisions of state government, in reliance upon Laws 1980, LB 882, budgeted funds which they will not now receive, to total all the losses of subdivisions affected in this manner, and to distribute the fund created in section 10 of this act on a pro rata basis to the losing subdivisions to compensate them for their loss in this one-time economic disaster.

This section is far from clear. It could be interpreted to mean that the Auditor was to determine how much each subdivision expected to receive under LB 882, which it will not now receive because of the action of the court, and to distribute the $6 million dollars pro rata on the basis of such losses.

From reading your letter, however, it is obvious that that is not what you intended. What you intended was that the difference between what the subdivisions would have received under LB 882 and what they will receive under LB 284 be calculated, and that the $6 million dollars be distributed to those which will receive less under LB 284, pro rata with respect to the differences.

We find this provision of doubtful constitutionality. First, of course, it is vague and uncertain, and does not properly express your intention. This could be easily corrected, but the more fundamental objection is that we again have unreasonable classification.

The court struck down sections 2, 3, 4, and 5 of LB 882 because the bill put each county in a separate class, and froze the classes. There was no rational basis for the distributions under LB 882. Section 11 of LB 284 proposes to make a one-time distribution of $6 million dollars based in part on a formula which the court has already found unreasonable.

To illustrate, let us take two school districts, A and B, located in different counties. Under LB 882, District A would have gotten $175,000.00, and District B $125,000.00. Both, of course, took these sums into account in their budgeting process. Under section 4 of LB 284, each of them will receive $150,000.00. This indicates that, if the formula for distribution set up in sections 3 and 4 of LB 284 is correct and reasonable, the two districts are in the same class in the relevant respects, and should be treated alike with respect to the largesse of the state.

However, under the formula created by section 11 of the bill, District A will receive a portion of the $6 million dollars, based on its $25,000.00 "loss" while District B will receive nothing. We believe the court would strike down this system. It is an attempt to give some effect to the formula for distribution found in LB 882, which the court has already found unreasonable. An unreasonable formula cannot be the foundation for a reasonable one. We therefore believe that the formula for distribution found in section 11 of the bill would be difficult to define.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 13
January 28, 1981

Dear Senator DeCamp:

You have requested the opinion of this office regarding LB 68 which would amend Neb.Rev. Stat. §48-818 (Cum.Supp. 1980). Said statute presently authorizes the Commission of Industrial Relations to establish rates of pay and conditions of employment which are "... comparable to the prevalent wage rates paid and conditions of employment maintained for the same or similar work of workers exhibiting like or similar skills under the same or similar working conditions . . . ." LB 68 would amend §48-818 by adding the following: ". . . except that the commission shall also consider, compare and adjust for dissimilarities in the financial capability of employers to meet the increased costs of altered rates of pay, hours of labor, or conditions of employment."

Essentially, the provisions of LB 68 would require the Commission to consider an employer's financial capabilities, as well as prevalent wages and conditions, in establishing rates of pay and conditions of employment. Our research reveals that numerous states enumerate the financial ability of the governmental unit employer as a factor to be considered by the dispute resolution body in establishing wages and conditions, although the language employed in articulating such criteria differs from LB 68. See, for example, Iowa Code Ann. §20.22(9) (c); Fla.Stat.Ann. §447.405(5); New York Laws Ann. 9 §209(4) (v) (b) (Cum.Supp.). We are aware of no cases challenging the validity of such criteria.

In our opinion, there exists no legal prohibition to the statutory inclusion of the criteria proposed by LB 68.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Fritz
Assistant Attorney General

LF:pes
cc: Patrick J. O'Donnell
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 484 Monday, February 9, 1981 7:00 p.m.

LB 381	Friday, February 13, 1981	9:00 a.m.

Revision to Appropriations Committee's 1981 Agency
Budget Hearing Schedule

Reschedule from Friday, February 20, 1981 to Friday, February 13, 1981 at 10:00 a.m.

Department of Administrative Services

(Signed) Jerome Warner, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 207A. By Koch, 12th District.
This bill introduced on behalf of: LB 207.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 207, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 11.

Introduced by Wesely, 26th District.

WHEREAS, in 1975, Nebraska applied for and received funds pursuant to the Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974; and

WHEREAS, in 1976, the Legislature denied Nebraska's participation, mandating the return of funds due to a fear that the cost of local and State compliance with Federal requirements would far exceed the benefits gained by receiving the funds; and

WHEREAS, the funds were to be used to place juvenile status offenders in community-based non-secure/non-detention alternative facilities; and

WHEREAS, status offences usually stem from complex family problems; and

WHEREAS, the JJDPA urges participants to utilize more local, regional, and community resources in resocializing status offenders without moving them long distances from their homes and families; and

WHEREAS, the incarceration of status offenders plays an important role in the potential future of criminal activites by status offenders; and

WHEREAS, in 1980, the Legislature removed language from appropriation legislation which previously had barred Nebraska's participation in the JJDPA; and

WHEREAS, in 1978, the Legislature created the Office of Jail Standards, culminating in the provision for separation of adults and juveniles, which is one of the compliance factors for participation in JJDPA; and

WHEREAS, 40 other states have assigned the responsibility of status offenders to non-institutional agencies; and

WHEREAS, in 1978, the Legislature passed LB 700, removing the State Youth Development Centers in Geneva and Kearney as post-adjudication resources for status offenders and appropriated funds to the Department of Public Welfare for alternative resources; and

WHEREAS, the fundings provided by LB 700 to the Department of Public Welfare have been considered insufficient; and

WHEREAS, Governor Thone has recommended that Nebraska should participate in the JJDPA.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That Nebraska, in compliance with Governor Thone's recommendation, re-apply for funds pursuant to the Juvenile Justice and Delinquency Prevention Act.
2. That revenues received pursuant to the Juvenile Justice and Delinquency Prevention Act be appropriated for expenditure in the FY 1981-1982 Budget.

Laid over.

MOTION - Re-refer Bills

Messrs. Kahle, Chambers, Chronister, Landis, V. Johnson, and Miss Kilgarin moved to re-refer LB's 406 and 523 to the Government, Military and Veterans Affairs Committee.

Laid over.

The Chair declared the Call raised.

VISITORS

Visitors to the Chamber were Mr. and Mrs. George Hruza from Ericson; and 23 students and teacher from St. John's Lutheran School from Seward.

ADJOURNMENT

At 10:36 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Friday, January 30, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 30, 1981

LEGISLATIVE JOURNAL

FIFTEENTH DAY - JANUARY 30, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 30, 1981

Pursuant to adjournment, the Legislature met at 9:14 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Henry H. Bradshaw, Ralston United Church of Christ.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch, Messrs. Cullan, Schmit, and Sieck who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 57 and 141.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 28. Placed on General File.

LEGISLATIVE BILL 29. Placed on General File as amended.
Standing Committee amendment to LB 29:
1. On page 3, strike beginning with "If" in line 15 through "product." in line 21.

LEGISLATIVE BILL 42. Placed on General File as amended.
Standing Committee amendments to LB 42:

1. On page 11, line 16, after "court" insert "at least two days"; and after line 23 insert the following:

"In any action transferred to the regular docket there shall be no further pleadings, demurrers, motions challenging pleadings, or discovery unless ordered by the court upon a showing that any such procedure is necessary to the prompt and just determination of the action.".

2. Insert the following new section:

"Sec. 16. That section 25-1916, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1916. No appeal in any case shall operate as a supersedeas, unless the appellant or appellants shall within ~~twenty~~ thirty days next after the rendition of such judgment or decree, or the making of such final order, execute to the adverse party a bond with one or more sureties or in lieu thereof make a cash deposit with the clerk for the benefit of the adverse party, as follows:

(1) When the judgment, decree, or final order appealed from directs the payment of money, the bond shall be in the amount of the judgment, decree, or final order and the taxable court costs in the district court, plus the estimated amount of interest that will accrue on the judgment, decree, or final order between its date and the final determination of the cause in the Supreme Court and the estimated amount of the costs of appeal, said estimated interest to accrue and estimated court costs to be determined by the trial court, said supersedeas bond or cash deposit to be conditioned that the appellant or appellants will prosecute such appeal without delay and pay all condemnation money and costs which may be found against him, her, or them on the final determination of the cause in the Supreme Court; Provided, that when a cash deposit is made or a bond is provided herein, written by a corporate surety company authorized to do business within the State of Nebraska, is approved by the trial court in which said judgment was rendered, and filed in said court the general lien of the judgment shall be dissolved;

(2) When the judgment, decree, or final order directs the execution of a conveyance or other instrument, the bond or cash deposit shall be in such sum as shall be prescribed by the district court, or judge thereof in vacation, conditioned that the appellant or

appellants will prosecute such appeal without delay; and will abide and perform the judgment or decree rendered, or final order which shall be made by the Supreme Court in the cause;

(3) When the judgment, decree, or order directs the sale or delivery of possession of real estate, the bond or cash deposit shall be in such sum as the court, or judge thereof in vacation, shall prescribe, conditioned that the appellant or appellants will prosecute such appeal without delay and will not during the pendency of such appeal commit, or suffer to be committed, any waste upon such real estate, and pay all costs, and all rents or damages to such real estate which may accrue during the pendency of such appeal and until the appellee is legally restored thereto;

(4) When the judgment, decree, or final order dissolves or modifies any order of injunction which has been or hereafter may be granted, the supersedeas bond or cash deposit shall be in such reasonable sum as the court or judge thereof in vacation shall prescribe, conditioned that the appellant or appellants will prosecute such appeal without delay, and will pay all costs which may be found against him, her, or them on the final determination of the cause in the Supreme Court; and such supersedeas bond or cash deposit shall stay the doing of the act or acts sought to be restrained by the suit, and continue such injunction in force until the case is heard and finally determined in the Supreme Court. The undertaking given upon the allowance of the injunction shall be and remain in effect until it is finally decided whether or not the injunction ought to have been granted.".

3. On page 19, line 4, strike "17" and insert "18"; in line 8 strike "17" and insert "18"; and in line 21 strike the new matter and reinstate the old matter.

4. On page 27, line 11, after the first comma insert "25-1916,".

5. Renumber original sections 16 to 26 as 17 to 27, respectively.

LEGISLATIVE BILL 43. Placed on General File.

(Signed) William E. Nichol, Chairperson

Public Works

LEGISLATIVE BILL 7. Indefinitely postponed.

LEGISLATIVE BILL 46. Placed on General File as amended.
Standing Committee amendments to LB 46:

1. Insert the following new section:

"Sec. 2. That section 60-407, Revised Statutes Supplement, 1980, be amended to read as follows:

60-407. (1) No license or permit to operate a motor vehicle shall be granted to any applicant until such applicant satisfies the examiner that he or she possesses, with or without the aid of glasses, sufficient powers of eyesight to enable him or her to operate a motor vehicle on the highways of this state with a reasonable degree of safety. If, from the examination given any applicant, it appears that the applicant's powers of eyesight are such that he or she cannot operate a motor vehicle on the highways of this state with a reasonable degree of safety, the examiner shall require the applicant to present a doctor's or optometrist's certificate to the effect that the applicant has sufficient powers of eyesight for such purpose before issuing a license to such applicant. If it is indicated by such examination by the examiner or by the doctor's or optometrist's certificate that the applicant must wear glasses to meet the minimum visual standards set by the department, then the applicant shall have the use of any license issued to him or her restricted to wearing glasses while operating a motor vehicle. If the application to operate a motor vehicle required by this act discloses that the applicant for such license suffers from any other physical defect or defects of a character which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require such applicant to show cause why such license should be granted, and shall require such applicant, through such personal examination and demonstration as may be prescribed by the director, to show the necessary ability to safely operate a motor vehicle on the public highways. If the examiner is satisfied, after such demonstration, that such applicant has the ability to safely operate such motor vehicle, an operator's license may be issued to the applicant subject, at the discretion of the director, to a limitation to operate only such motor vehicles at such time, for such purpose, and within such area as the license shall designate. The director may, at the request of a law enforcement officer, or when he or she has reason to believe that such person may be physically or mentally incompetent to operate a motor vehicle or whose driving record appears to the department to justify such examination, give notice to the holder of an operator's license to appear before an examiner for examination to operate a motor vehicle safely. A refusal to appear before an examiner for such examination shall be unlawful. If such license holder cannot qualify at such examination, his or her operator's license shall be immediately surrendered to such examiner and forwarded to the director who shall cancel his or her license and privilege to operate a motor vehicle; Provided, that a refusal to appear before an examiner for examination after notice to do so or to surrender an operator's license on demand, shall be unlawful and any person failing to surrender his or her operator's license as required by the provisions of this section shall be guilty of a Class III misdemeanor. No operator's license referred to in this subsection shall, under any circumstances, be issued to any person who has not attained the age of sixteen years but, upon application therefor and proof of age in the manner provided in subsection (3) of this section, any such person may take the examination required by this subsection at any time within sixty days prior to his or her sixteenth birthday.

(2) A person who has not attained the age set forth in subsection (1) of this section but is over the age of fourteen years, except within metropolitan, primary, and first-class cities, may be issued, by the county treasurer, a limited permit to drive a motor vehicle, moped, or motorcycle to and from the school building where he or she attends school, by the nearest highway or street from his or her place of residence, if such child lives a distance of one and one half miles or more from such school. Such limited permit shall be used for the sole purpose of transporting such person to attend school, except that the holder of such a permit may drive under the personal supervision of his or her parents or guardian; Provided, such a permit shall not be issued until such person has appeared before an examiner to demonstrate that he or she is capable of successfully operating a motor vehicle or motorcycle and has in his or her possession an examiner's certificate authorizing the county treasurer to issue a school permit. Any such person desiring such limited permit may first obtain a learner's permit from the county treasurer, which permit

shall be valid for a period of two months. While holding such a permit, the person may operate a motor vehicle on the highways of this state if he or she has seated next to him or her a person who is a licensed operator or, in the case of a motorcycle or moped, if he or she is within visual contact with and is under the supervision of a person who, in the case of a motorcycle, is a licensed motorcycle operator and, in the case of a moped, is a licensed motor vehicle operator. Such licensed motor vehicle or motorcycle operator shall either be a parent or guardian of the child or a person over the age of nineteen years who is authorized in writing by the child's parent or guardian to supervise the actions of the child in operating the vehicle. Prior to issuance of such learner's permit it shall be required that such person demonstrate that he or she has sufficient powers of eyesight to safely operate a motor vehicle or motorcycle.

(3) Each individual, under the age of nineteen years, who is making an application for his or her first operator's license or a limited or learner's permit, must furnish proof of age, either by birth certificate or written information signed by one of his or her parents or his or her guardian, to show that such applicant has attained the age, respectively, as required by subsection (1) or (2) of this section. All licenses and limited permits issued, as provided by subsection (2) of this section, shall be subject to revocation under the terms of section 60-427, and any person who shall violate the terms of such license or limited permit shall be deemed guilty of a Class III misdemeanor.

(4) Any person who shall have attained the age of fifteen years or more may obtain a learner's permit from the county treasurer which shall be valid for a period of twelve months and he or she may operate a motor vehicle on the highways of this state if he or she is accompanied at all times by a licensed operator who is at least nineteen years of age and who is actually occupying the seat beside the driver or, in the case of a motorcycle or moped, if he or she is within visual contact with and under the supervision of, in the case of a motorcycle, a licensed motorcycle operator and, in the case of a moped, a licensed motor vehicle operator. Any person who shall have attained the age of fourteen years may operate a motor vehicle over the highways of the state if he or she is accompanied or, in the case of a motorcycle or moped, supervised, at all times by a licensed operator who shall

be a high school driver training instructor certified by the Commissioner of Education.

(5) Any person who is thirteen years of age or older and resides upon a farm in this state or who is fourteen years of age or older and who is employed for compensation upon a farm in this state may obtain a special permit authorizing the operation of farm tractors and other motorized implements of farm husbandry upon the public highways and roads of this state, if the applicant for such a restricted permit furnishes to a license examiner satisfactory proof of age and satisfactorily demonstrates to the examiner that he or she has knowledge of the operation of such equipment and of the rules of the road and laws respecting the operation of motor vehicles upon the highways and public roads of this state. Any person under sixteen years of age but not less than thirteen years of age may obtain a temporary permit to operate such equipment for a six-month period after presentation to the Department of Motor Vehicles of a request for such temporary permit signed by such person's parent or guardian and payment of one dollar. After the expiration of such six-month period it shall be unlawful for any person under sixteen years of age to operate such equipment upon the public highways and roads of this state unless he or she has been issued a special permit under the provisions of this subsection. The fee for such special permit shall be two dollars, and such special permit shall be subject to revocation for cause.

(6) The county treasurer shall collect a fee of ~~one dollar~~ three dollars from each successful applicant for a school or learner's permit."

2. On page 5, strike beginning with "and" in line 23 through "person" in line 26 and insert ", he or she".

3. On page 7, line 6, before "are" insert "and section 60-407, Revised Statutes Supplement, 1980,".

4. Renumber original sections 2 and 3 as sections 3 and 4, respectively.

LEGISLATIVE BILL 81. Placed on General File as amended.
Standing Committee amendments to LB 81:

1. Insert a new section as follows:

"Sec. 2. That section 46-631, Revised Statutes Supplement, 1980, be amended to read as follows:

46-631. The board of directors may levy and collect annually taxes necessary to finance the activities of such district to the amount of not more than ~~three~~ and ~~five-tenths cents~~ one cent on each one hundred dollars of the actual value of all taxable real property within such district. It shall, on or before the first day of August in each year, certify its tax levy to the county clerks of the counties wholly or partially within the district, who shall extend the same on the county tax list, and the same shall be collected by the county treasurer in the same manner as state and county taxes. It shall be the duty of the board to apply for and to receive from the county treasurers all money to the credit of the district. The county treasurer shall disburse the same on the order of the treasurer of the district.".

2. On page 7, line 1, strike "5" and insert "6"; in line 7 after the comma insert "as amended by section 2 of this act,"; in line 9 strike "section" and insert "sections"; and in line 10 strike the first comma and insert "and 46-631,".

3. Renumber original sections 2 to 6 as 3 to 7, respectively.

(Signed) Maurice A. Kremer, Chairperson

Business and Labor

LEGISLATIVE BILL 20. Placed on General File as amended.
Standing Committee amendment to LB 20:

1. On page 6, line 4, after "Court" insert an underscored period, strike beginning with "by" in line 4 through "January 1" in line 6, show the old matter as stricken, and insert "Such waiver shall become effective from the date of receipt by the court and shall remain in effect"; and in line 17 strike ". Such" and insert ", which".

(Signed) Richard Maresh, Chairperson

NOTICE OF COMMITTEE HEARINGS

Public Works

LB 302	Thursday, February 5, 1981 (Cancel)	1:30 p.m.
LB 302	Wednesday, March 11, 1981 (Reset)	1:30 p.m.

(Signed) Maurice A. Kremer, Chairperson

Banking, Commerce and Insurance

LB 125	Monday, February 9, 1981	10:30 a.m.

(Signed) John W. DeCamp, Chairperson

Government, Military and Veterans Affairs

LB 446	Thursday, February 12, 1981	1:30 p.m.
LB 292	Thursday, February 12, 1981	1:30 p.m.
LB 281	Thursday, February 19, 1981	1:30 p.m.
LB 282	Thursday, February 19, 1981	1:30 p.m.
LB 239	Friday, February 20, 1981	1:30 p.m.
LB 250	Friday, February 20, 1981	1:30 p.m.
LB 204	Friday, February 20, 1981	1:30 p.m.
LB 444	Thursday, February 26, 1981	1:30 p.m.
LB 280	Thursday, February 26, 1981	1:30 p.m.
LB 351	Thursday, February 26, 1981	1:30 p.m.
LB 445	Friday, February 27, 1981	1:30 p.m.
LB 297	Friday, February 27, 1981	1:30 p.m.
LB 530	Friday, February 27, 1981	1:30 p.m.

(Signed) Martin Kahle, Chairperson

REPORT

Received annual report from Nebraska State Board of Landscape Architects.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 29, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cook, Marie F., Omaha - Parents Without Partners
Crosby, Guenzel, Davis, Kessner & Kuester:
  Crosby, Robert B. Lincoln - Shell Oil Company
Doyle, Thomas D., Omaha - Nebraska Pawnbroker's Association
Gangwish, Wendell J., Wood River - Nebraska Farm Bureau Federation
Howard, David M., Lincoln - Farmers Union of Nebraska
Kelley, Michael A., Omaha - Omaha Building & Construction Trades Council
Kratville, Michael B., Lincoln - Students for University of Nebraska-Lincoln
Kurtenbach, Richard, Lincoln - Nebraska Civil Liberties Union
Lombardi, Richard, Lincoln - Nebraskans Against the Death Penalty
Lubeck, Ralph, Stamford - Farmers Union of Nebraska
Marshall, Robert P., Lincoln - Nebraska Pharmacists Association
Overgard, Jesse N., Littleton, CO - 3M Company
Oxton, Neil, Lincoln - Farmers Union of Nebraska
Robinson, Clifton N., Omaha - Westside Community Schools
Robotham, Gene, Pleasant Dale - ABATE of Nebraska, Inc.

Sawyer, Russell E., Jr., Omaha - Republican Party Central Committee of Douglas County, Nebraska
Staberg, Dean, Lincoln - Lincoln Firefighters Association-Local No. 644
Weber, Kappie, Lincoln - Nebraska Religious Coalition for Abortion Rights
Whelan, Gerald T., Hastings - Hastings Pork
Wilson, Anne, Lincoln - The League of Women Voters of Nebraska

MOTION - Re-refer Bills

Mr. Kahle renewed his pending motions to re-refer LB 406 and LB 523 to Government, Military and Veterans Affairs Committee found in the Journal on page 366 for the Fourteenth Day.

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 21 nays, and 13 not voting.

Mr. DeCamp offered the following amendment to the Kahle motion:

Amend the motion to refer LB's 406 and 523 to Committee on Committees.

Mr. DeCamp asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Mr. Kahle moved for a Call of the House. The motion prevailed with 31 ayes, 4 nays, and 14 not voting.

Mr. Kahle requested a roll call vote.

Voting in the affirmative, 21:

Beutler Burrows Chambers Chronister Dworak
Fowler Haberman Hoagland Johnson, V. Kahle
Kilgarin Koch Labedz Landis Newell
Pirsch Rumery Stoney Warner Wesely
Wiitala

Voting in the negative, 27:

Barrett Beyer Carsten Clark Cope
DeCamp Fenger Fitzgerald Goll Goodrich
Hefner Higgins Johnson, L. Kremer Lamb
Maresh Marsh Marvel Nichol Peterson, H.
Peterson, R. Remmers Schmit Sieck Vickers
Von Minden Wagner

Excused and not voting, 1:

Cullan

The Kahle motion lost with 21 ayes, 27 nays, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 11. Read. Considered.

LR 11 was adopted with 31 ayes, 0 nays, and 18 not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 533, 534 and 535.

Legislative bill 421 was re-referred to the Banking, Commerce and Insurance Committee.

Legislative bill 380 was re-referred to the Public Health and Welfare Committee.

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

LB	COMMITTEE
533	Public Health and Welfare
534	Constitutional Revision and Recreation
535	Constitutional Revision and Recreation

NOTICE OF COMMITTEE HEARINGS

Agriculture and Environment

LB 184	Thursday, March 5, 1981	1:30 p.m.
LB 468	Thursday, March 5, 1981	1:30 p.m.
LB 528	Thursday, March 5, 1981	1:30 p.m.
LB 452	Friday, March 6, 1981	1:30 p.m.
LB 529	Friday, March 6, 1981	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Public Health and Welfare

LB 295	Monday, February 9, 1981	2:00 p.m.
LB 404	Monday, February 9, 1981	2:00 p.m.

LB 378	Tuesday, February 10, 1981	2:00 p.m.
LB 502	Tuesday, February 10, 1981	2:00 p.m.
LB 433	Tuesday, February 10, 1981	2:00 p.m.
LB 293	Tuesday, February 17, 1981	2:00 p.m.
LB 379	Tuesday, February 17, 1981	2:00 p.m.
LB 510	Tuesday, February 17, 1981	2:00 p.m.

(Signed) Samuel K. Cullan, Chairperson

STANDING COMMITTEE REPORTS

Public Health and Welfare

LEGISLATIVE BILL 39. Placed on General File as amended.
Standing Committee amendment to LB 39:

1. On page 2, lines 8 through 13, strike the new matter and reinstate the stricken matter; in line 12 strike "and thereafter," and show as stricken; and in line 14 after the period insert "Commencing July 1, 1981, the county shall pay fourteen per cent, commencing July 1, 1982, the county shall pay twelve per cent, and commencing July 1, 1983, and thereafter, the county shall pay ten per cent of the cost of such medical assistance.".

LEGISLATIVE BILL 69. Placed on General File as amended.
Standing Committee amendment to LB 69:

1. On page 2, line 3, strike "four" and insert "three"; in line 4 after "vehicle" insert ", as defined in section 60-301,"; and in line 11 after "include" insert "public transportation vehicles or".

(Signed) Samuel K. Cullan, Chairperson

Revenue

LEGISLATIVE BILL 140. Placed on General File.

(Signed) Calvin F. Carsten, Chairperson

MOTION - Re-refer Bill

Mr. Chambers moved that LB 363 be referred from Education to Government Committee.

Motion pending.

MOTION - Withdraw LB 312

Mr. Stoney moved to withdraw LB 312.

Read. Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Stoney asked unanimous consent to add his name to LB 37. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendments to LB 207 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 207

Req. No. 2021

1. On page 2, lines 23 and 24, strike the new matter and reinstate the stricken matter; and in line 27 strike "shall be" and show as stricken.

2. On page 3, strike beginning with "credited" in line 1 through the period in line 2 and show the old matter as stricken; and reinstate the stricken matter beginning with "shall" in line 2 through the period in line 3.

3. Strike original sections 2 through 6 and insert three new sections as follows:

"Sec. 2. That section 72-1237.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1237.01. As used in sections 72-1237 to 72-1259, this act shall mean and refer to sections 1-111, 2-115, 2-1503.01, 2-1506.11, 2-1547, 2-1808, 2-2317, 2-2501, 3-126, 8-1120, 19-2043, 19-2044, 24-704, 35-601, 37-206, 37-428, 39-7,136, 39-1323.01, 39-1390, 44-116, 44-333.02, 44-707.03, 45-127, 45-165, 48-617, 48-620, 48-621, 54-112, 54-147, 54-150, 54-1173, 55-131, 57-919, 60-409~~.01,~~ 60-446, 60-449, 60-1409, 60-1704, 66-421, 68-301, 68-612, 70-1020, 71-1,132.23, 71-1,147.02, 71-222.02, 71-332, 71-1336, 71-2016, 71-2201, 71-3808, 71-4206, 71-4210, 72-202, 72-716.01, 72-1005, 72-1237 to 72-1260, 79-1247.07, 79-1332, 79-1345, 79-1438.01, 79-1444, 79-1501, 79-1502, 79-1503, 79-1503.01, 79-1545, 79-1556, 79-1557, 79-2107, 80-111, 80-301, 80-401, 81-263.67, 81-275.28, 81-528, 81-812.02, 81-815.30, 81-815.34, 81-815.39, 81-845, 81-880, 81-8,107, 81-8,112, 81-8,162, 81-912, 81-1117, 81-1120.08, 82-108.02, 83-150, 83-169, 83-210.01, 83-304, 84-111, 84-1301, 84-1305, 84-1308, 84-1309, 85-106, 85-113, 85-122, 85-123.01, 85-161, 85-168, 85-170, 85-191, 85-192, 85-195, 85-320, and 85-403.

Sec. 3. This act shall become operative on January 1, 1982.

Sec. 4. That original sections 60-409 and 72-1237.01, Reissue Revised Statutes of Nebraska, 1943, and also sections 60-409.01 to 60-409.04 and 60-409.12, Reissue Revised Statutes of Nebraska, 1943, are repealed.”.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 30. Placed on General File as amended.
Standing Committee amendments to LB 30:

1. On page 3, line 27, strike “. If” and insert “~~.~~, or alternatively, if”.

2. On page 4, line 3, after “petition” insert “favoring a public park, playground, or recreational facility improvement, which is”; in line 5 after the comma insert “the”, strike “by”, and insert “required shall be that of”; and strike beginning with “city” in line 6 through the period in line 8 and insert “governing body of such municipality or county and such approval shall not be subject to any veto.”.

3. In the title strike beginning with “to” in line 4 through the first semicolon in line 6 and insert “to provide for an alternative method of approval of park, playground, or recreational improvement;”.

LEGISLATIVE BILL 37. Placed on General File as amended.
Standing Committee amendment to LB 37:

1. On page 5, lines 1 through 12, reinstate the stricken matter, and in lines 12 and 18 through 23 strike the new matter.

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 128	Thursday, February 12, 1981	7:00 p.m.
LB 248	Thursday, February 12, 1981	7:00 p.m.
LB 369	Thursday, February 12, 1981	7:00 p.m.
LB 462	Thursday, February 12, 1981	7:00 p.m.

LB 366	Thursday, February 19, 1981	7:00 p.m.
LB 367	Thursday, February 19, 1981	7:00 p.m.
LB 424	Thursday, February 19, 1981	7:00 p.m.
LB 458	Thursday, February 19, 1981	7:00 p.m.
LB 145	Thursday, February 26, 1981	7:00 p.m.
LB 203	Thursday, February 26, 1981	7:00 p.m.
LB 387	Thursday, February 26, 1981	7:00 p.m.
LB 464	Thursday, February 26, 1981	7:00 p.m.
LB 287	Thursday, March 5, 1981	7:00 p.m.
LB 395	Thursday, March 5, 1981	7:00 p.m.
LB 399	Thursday, March 5, 1981	7:00 p.m.
LB 461	Thursday, March 5, 1981	7:00 p.m.
LB 463	Thursday, March 5, 1981	7:00 p.m.

(Signed) Steve Fowler, Chairperson

Business and Labor

LB 119	Wednesday, February 11, 1981	1:30 p.m.
LB 176	Wednesday, February 11, 1981	1:30 p.m.
LB 279	Wednesday, February 11, 1981	1:30 p.m.
LB 405	Wednesday, February 18, 1981	1:30 p.m.
LB 436	Wednesday, February 18, 1981	1:30 p.m.
LB 494	Wednesday, February 18, 1981	1:30 p.m.
LB 495	Wednesday, February 18, 1981	1:30 p.m.
LB 323	Wednesday, February 25, 1981	1:30 p.m.
LB 505	Wednesday, February 25, 1981	1:30 p.m.
LB 201	Wednesday, March 4, 1981	1:30 p.m.
LB 337	Wednesday, March 4, 1981	1:30 p.m.
LB 410	Wednesday, March 4, 1981	1:30 p.m.
LB 118	Wednesday, March 11, 1981	1:30 p.m.
LB 394	Wednesday, March 11, 1981	1:30 p.m.
LB 470	Wednesday, March 11, 1981	1:30 p.m.

(Signed) Richard Maresh, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 536. By DeCamp, 40th District.
This bill introduced on behalf of: at the request of Governor.

A BILL FOR AN ACT to amend sections 81-909, 81-912, 81-914, and 81-916 to 81-918, Revised Statutes Supplement, 1980, relating to state administrative departments; to provide for a transfer of duties from the Department of Roads to the Military Department; to provide for transfer of personnel; to provide an operative date; and to repeal the original sections, and also section 81-915, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 537. By DeCamp, 40th District.
This bill introduced on behalf of: at the request of Governor.

A BILL FOR AN ACT relating to state administrative departments; to amend sections 81-101, 81-102, 82-101 to 82-108, 82-108.01, 82-108.02, 82-109, 82-110, 82-115, 82-117, 82-119 to 82-123, 82-125, 82-127, and 82-128, Reissue Revised Statutes of Nebraska, 1943, and sections 82-118, 82-126, and 82-129, Revised Statutes Supplement, 1980; to create a Department of Historic Preservation; to provide for a director; to define terms; to provide powers and duties; to create an advisory committee; to provide for the transfer of funds; to provide duties for the Revisor of Statutes; to provide an operative date; to repeal the original sections, and also section 82-116, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 538. By DeCamp, 40th District.
This bill introduced on behalf of: at the request of Governor.

A BILL FOR AN ACT relating to libraries; to amend sections 51-309, 51-314, 51-315, 51-402, 51-403, 51-405 to 51-407, 51-410.01, 51-412, 81-101, 81-102, and 81-1108.40, Reissue Revised Statutes of Nebraska, 1943, and section 51-401, Revised Statutes Supplement, 1980; to create the Nebraska Library Department; to create the Nebraska Library Advisory Board; to provide powers and duties; to eliminate the Nebraska Library Commission; and to repeal the original sections, and also sections 51-403.03, 51-404, 51-409, and 51-410, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 539. By DeCamp, 40th District.
This bill introduced on behalf of: at the request of Governor.

A BILL FOR AN ACT relating to state administrative departments; to amend sections 81-101, 81-102, 81-801, 81-802, 81-803.01, and 81-807, Reissue Revised Statutes of Nebraska, 1943, and section 81-804, Revised Statutes Supplement, 1980; to create the Department of Game and Parks; to provide for appointment of a director; to provide for the transfer of powers and duties; to provide for funding; to create the Nebraska Game and Parks Advisory Board; to provide duties; to provide duties for the Revisor of Statutes; to provide an operative date; and to repeal the original sections, and also sections 81-805.03, 81-808, and 81-810, Reissue Revised Statutes of Nebraska, 1943, and section 81-809, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 540. By DeCamp, 40th District.
This bill introduced on behalf of: at the request of Governor.

A BILL FOR AN ACT relating to state administrative departments; to amend sections 76-1302, 76-1303, 76-1307, 76-1314, 81-101, 81-102, 81-885.08, 81-885.09, 81-885.15, 81-885.29, 81-885.39, 81-8,276, and 81-8,283, Reissue Revised Statutes of Nebraska, 1943, and sections 81-885.01, 81-885.07, 81-8,278, 81-8,282, and 81-8,285, Revised Statutes Supplement, 1980; to create the Department of Real Estate; to provide a director for such department; to eliminate the State Real Estate Commission; to provide powers and duties; to provide duties for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to declare an emergency.

VISITORS

Visitors to the Chamber were 45 students and teachers from Zeman School, Lincoln; Stephen Songster from Exeter; Mike and Lynette Marten, Leonard and Arlene Woodson, and Ray Brethour from Scottsbluff; and Mardy McCullough from Grant.

ADJOURNMENT

At 10:29 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:30 a.m., Monday, February 2, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - FEBRUARY 2, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 2, 1981

Pursuant to adjournment, the Legislature met at 9:35 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Burrows, Cullan, Goll, Goodrich, Hoagland, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 15. Placed on Select File.
LEGISLATIVE BILL 16. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Administrative Rules and Regulations Review

LEGISLATIVE BILL 130. Placed on General File as amended.
Standing Committee amendment to LB 130:

1. On page 4, line 8, strike "To" and insert "After completion of the codification required by subdivision (3) of this section, to"; in line 12 strike "an original set", show as stricken, and insert "a current copy"; in line 15 after "Nebraska" insert "making

a request for a copy of such rules and regulations"; in line 19 after "Nebraska" insert "which requests copies of all modifications or amendments", after the semicolon insert "to distribute at least four current copies of any rules and regulations accepted by him or her as filed to the Nebraska Publications Clearinghouse to meet the needs of the Nebraska publications depository system; to distribute on a regular basis at least four copies of all modifications or amendments to agency rules and regulations accepted by him or her as filed to the Nebraska Publications Clearinghouse to meet the needs of the Nebraska publications depository system;", and strike "an original set", show as stricken, and insert "a current copy".

(Signed) Vard Johnson, Chairperson

NOTICE OF COMMITTEE HEARINGS

Administrative Rules and Regulations Review

LB 266	Wednesday, February 18, 1981	8:00 a.m.

(Signed) Vard Johnson, Chairperson

Education

LB 305	Monday, March 9, 1981 (Cancel)	1:30 p.m.
LB 305	Tuesday, March 10, 1981 (Reset)	1:30 p.m.

(Signed) Jerry Koch, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 11.

MOTION - Withdraw LB 312

Mr. Stoney renewed his pending motion found in the Journal on page 380 for the Fifteenth Day.

The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

MOTION - Re-refer LB 363

Mr. Chambers renewed his pending motion found in the Journal on page 379 for the Fifteenth Day.

Mr. Chambers moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Fowler asked unanimous consent to be excused until 11:00 a.m. No objections. So ordered.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 17:

Beutler
Burrows
Chambers
Chronister
Dworak
Fitzgerald
Haberman
Higgins
Hoagland
Johnson,V.
Kilgarin
Kremer
Labedz
Landis
Schmit
Vickers
Wiitala

Voting in the negative, 25:

Barrett
Beyer
Carsten
Clark
Cope
Fenger
Hefner
Johnson, L.
Kahle
Lamb
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner

Present and not voting, 2:

DeCamp
Koch

Excused and not voting, 5:

Cullan
Fowler
Goll
Goodrich
Wesely

The motion lost with 17 ayes, 25 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

GENERAL FILE

LEGISLATIVE BILL 165. Title read. Considered.

Standing Committee amendment found in the Journal on page 346 for the Thirteenth Day was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review with 26 ayes, 13 nays, 7 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 12.

Introduced by Wesely, 26th District.

WHEREAS, the Nebraska Mortgage Finance Fund, through the issuance of tax-exempt mortgage revenue bonds, has made possible for nearly four thousand low and moderate income families in Nebraska realization of the American dream of home ownership; and

WHEREAS, realization of that dream would otherwise have been denied those families because of their inability to meet the high down payment requirements and high monthly mortgage payments of conventional financing; and

WHEREAS, the housing industry in Nebraska, beleaguered by high interest rates and the high cost of housing, fueled by runaway inflation, has been materially benefited by the additional financing provided by the Nebraska Mortgage Finance Fund; and

WHEREAS, the 96th Congress enacted the Mortgage Subsidy Bond Tax Act of 1980, which was signed into law by President Carter on December 5, 1980, as Public Law 96-499, and which imposes such unduly restrictive federal requirements on the use of tax-exempt mortgage revenue bonds as to make the program virtually unworkable in Nebraska; and

WHEREAS, the Mortgage Subsidy Bond Tax Act of 1980, because of its 1 percent arbitrage limitation, unfairly discriminates against the Nebraska Mortgage Finance Fund which, unlike similar agencies in other states, has not been in existence long enough to accumulate a reserve fund; and

WHEREAS, other provisions of the Mortgage Subsidy Bond Tax Act of 1980, are so administratively burdensome as to nullify the action of the Nebraska Legislature in creating the Nebraska Mortgage Finance Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the 97th Congress be urged to take prompt action in amending the Mortgage Subsidy Bond Tax Act of 1980 to remove the unnecessary and unwarranted restrictions.
2. That each member of the Nebraska Congressional delegation be urged to support such amendments in order that the fine record of the Nebraska Mortgage Finance Fund may be continued.

3. That the Clerk of the Legislature forward a copy of this resolution to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate and each member of the Nebraska Congressional delegation.

Laid over.

STANDING COMMITTEE REPORTS

Miscellaneous Subjects

LEGISLATIVE BILL 27. Placed on General File.
LEGISLATIVE BILL 82. Placed on General File.

(Signed) Elroy M. Hefner, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 541. By Nichol, 48th District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT relating to administrative departments; to amend sections 60-431, 60-433, 81-101, and 81-102, Reissue Revised Statutes of Nebraska, 1943; to create a department known as the Nebraska State Patrol; to remove the Nebraska State Patrol from the control of the Department of Roads; to provide duties for the Department of Roads; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

LB 125	Monday, February 9, 1981 (Cancel)	10:30 a.m.
LB 125	Monday, February 9, 1981 (Reset)	1:30 p.m.
LB 409	Monday, February 9, 1981	2:15 p.m.

(Signed) John W. DeCamp, Chairperson

Judiciary

LB 215	Monday, February 9, 1981	1:30 p.m.
LB 227	Monday, February 9, 1981	1:30 p.m.
LB 345	Monday, February 9, 1981	1:30 p.m.
LB 356	Monday, February 9, 1981	1:30 p.m.

LB 89	Tuesday, February 10, 1981	1:30 p.m.
LB 111	Tuesday, February 10, 1981	1:30 p.m.
LB 189	Tuesday, February 10, 1981	1:30 p.m.
LB 386	Tuesday, February 10, 1981	1:30 p.m.
LB 55	Wednesday, February 11, 1981	1:30 p.m.
LB 87	Wednesday, February 11, 1981	1:30 p.m.
LB 129	Wednesday, February 11, 1981	1:30 p.m.
LB 175	Wednesday, February 11, 1981	1:30 p.m.
LB 465	Tuesday, February 17, 1981	1:30 p.m.
LB 347	Tuesday, February 17, 1981	1:30 p.m.
LB 180	Tuesday, February 17, 1981	1:30 p.m.
LB 402	Tuesday, February 17, 1981	1:30 p.m.
LB 32	Wednesday, February 18, 1981	1:30 p.m.
LB 413	Wednesday, February 18, 1981	1:30 p.m.
LB 174	Wednesday, February 18, 1981	1:30 p.m.

(Signed) William E. Nichol, Chairperson

Miscellaneous Subjects

LB 431	Thursday, February 12, 1981	1:30 p.m.
LB 457	Thursday, February 12, 1981	1:30 p.m.
LB 368	Thursday, February 19, 1981	1:30 p.m.
LB 482	Thursday, February 19, 1981	1:30 p.m.

(Signed) Elroy M. Hefner, Chairperson

Constitutional Revision and Recreation

LB 5	Thursday, February 12, 1981	1:30 p.m.
LB 419	Thursday, February 12, 1981	1:30 p.m.
LB 476	Thursday, February 12, 1981	1:30 p.m.
LB 138	Thursday, February 19, 1981	1:30 p.m.
LB 531	Thursday, February 19, 1981	1:30 p.m.
LB 474	Friday, February 20, 1981	1:30 p.m.
LB 416	Friday, March 13, 1981	1:30 p.m.

(Signed) Bernice R. Labedz, Chairperson

UNANIMOUS CONSENT - Pass Over LB 178

Mr. Carsten asked unanimous consent to have LB 178 laid over. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 185. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

MR. CLARK PRESIDING

LEGISLATIVE BILL 187. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 238. Title read. Considered.

Standing Committee amendments found in the Journal on page 346 for the Thirteenth Day were considered.

Mr. V. Johnson offered the following amendments to the Standing Committee amendment:

AMENDMENTS TO COMMITTEE AMENDMENT TO LB 238

1. In the committee amendments, on page 2, line 25, strike beginning with "Within" through "an", show the old matter as stricken, and insert "An"; in line 26 after "commission" insert "which", and after "final" insert "shall be subject to judicial review under sections 84-917 to 84-919."; and strike beginning with the comma in line 26 through line 27 and show the old matter as stricken.

2. In the committee amendments, on page 3, strike beginning with "thereof" in line 1 through the first period in line 25 and show the old matter as stricken; and in line 27 strike "2 to 4" and insert "3 and 4", and strike "5 to 7" and insert "5 and 6".

3. In the committee amendments, on page 4, line 3 strike ", 81-885.30, and" and insert "and 81-885.30".

4. Strike original section 2.

5. On page 7, line 11, strike "81-885.31,"; and in line 13 after "1980," insert "and also section 81-885.31, Reissue Revised Statutes of Nebraska, 1943,".

The amendment was adopted with 31 ayes, 1 nay, 14 present and not voting, and 3 excused and not voting.

Standing Committee amendments, as amended, were adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 244. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 7 nays, 11 present and not voting, and 3 excused and not voting.

MOTION - "A" Bill

Mr. Warner moved that any bill carrying an "A" Bill for a General Fund appropriation or any enabling legislation containing a General Fund appropriation within the bill be bracketed on Final Reading until the 1981-82 appropriations bills for the continued operation of state government and state aid have been considered and enacted by the Legislature, except those bills appropriating General Fund for the 1980-81 fiscal year.

Laid over.

ANNOUNCEMENT

Mr. Schmit announced an executive session of the Agriculture Committee Tuesday morning, February 3, at 8:50 a.m., under the North Balcony.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 167. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. No. 2024.)

(Signed) Calvin F. Carsten, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 14
January 28, 1981

Dear Senator Warner:

You have asked certain questions in regard to appropriations made last year in LB 999 in light of line item vetoes by Governor Thone and an opinion of our office on the effect of a particular line item veto from last year. You indicated that it is necessary to have these questions answered so that the appropriations process for this legislative session may be taken in full understanding of certain aspects of the line item vetoes exercised by Governor Thone.

As background, in the last legislative session, in LB 999, section 5, paragraph 4, $13,000 was appropriated for the purpose of paying utilities at a bond financed structure on one of the State College campuses. Governor Thone line item vetoed that $13,000 by reducing the budget for that particular program by that amount. We indicated in a letter to the Director of Administrative Services that that line item veto of $13,000 should not be made up by the expenditure of discretionary funds by the Board of Trustees for that same amount. With that factual background, you ask several questions which we will answer in the order asked.

In your first question you state that similar line item vetoes of utilities language were made in sections 10, 12, and 13 of LB 999, Eighty-sixth Legislature, Second Session, 1980. You ask into what category such vetoes fit, either (1) a specific cut of utilities funding, (2) elimination of earmarking for the purpose of providing increased management flexibility, or (3) a combination of both (1) and (2). In investigating this matter we have determined, through information supplied by the Department of Administrative Services, that the reductions you refer to above dealt solely with earmarking of a part of a fund otherwise appropriated in those sections. It is our understanding that the line item veto of those earmarked sums did not result in a reduction of the amount appropriated for the particular program which was under discussion in those funds. This is unlike the section 5 action which reduced the total appropriation by $13,000. Therefore, it is clear that the line item veto was utilized for the purpose of excising the earmarked amounts but not the total fund. Thus, the earmarking of a specified sum was stricken but the total appropriation remained the same. Conceivably, that total would be available for any of the authorized purposes of that fund.

In your second question you ask whether or not it would be appropriate for the University to expend the state general funds appropriated by sections 10, 12, and 13 for utilities expenses of any facility. It is our understanding that these particular sections in referring to the underlying budget documents do include sums to be utilized for the purposes of paying utilities expenses as well as other expenses designed to fund the operation of University activities.To the extent that requires the expenditure of sums for utilities expenses, obviously the University would be authorized to expend those sums for those purposes.

In the second part of your question you ask whether or not this would include expenditure of General Fund money for utilities for revenue bond facilities. We would point out to you that Neb.Rev.Stat. section 85-409 (Reissue 1976) provides that the Board of Trustees of the Nebraska State

Colleges and the Board of Regents may furnish heat, light, power and other similar utilities to any building or structure for any activity covered under Neb.Rev.Stat. sections 85-403 to 85-411 (Reissue 1976) without charging those amounts against the revenue derived from the operation of such buildings. Thus, the Legislature has clearly authorized the expenditure of General Fund monies for the provision of utilities to revenue bond structures. The Nebraska Constitution, in Article XIII, Section 1, contains a proviso that in part provides:

> [T]he Board of Regents . . . the Board of Trustees . . . and the State Board of Education may issue revenue bonds to construct, purchase or otherwise acquire, extend, add to, remodel, repair, furnish and equip dormitories, residence halls, single or multiple dwelling units or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified and validated.

There is no specific limitation in this section of the Constitution which prohibits the Legislature from providing operational fundings for such things as utilities. It is certainly a questionable practice for the Legislature to provide such sums. The question would become even more tenuous if you were dealing with renovation or repairs or rebuilding such buildings should there be a complete loss with no insurance coverage. Obviously, a great many murky legal questions could arise were this section construed in an overly broad manner.

For these reasons, we feel constrained to say that while not clearly a constitutional violation, such use of general funds has serious constitutional implications if carried too far.

In your last question you ask whether or not it would be inappropriate for the Board of Trustees to use their Discretionary Fund to exceed the Governor's 8 percent salary policy. We would refer you to the Governor's veto message on LB 999, LB 998, and LB 1001, as well as his veto message on LB 995 and LB 996, Eighty-sixth Legislature, Second Session, Legislative Journal, pp. 1732 and 1854. We believe those veto messages make clear that the Governor is reducing General Fund appropriations to a sum which would fund an 8 percent salary increase for the employees of the Board of Trustees. We believe that veto message also makes clear that the Governor has indicated that if the board can come up with other money, they are free as far as he is concerned to exceed the 8 percent increase he recommended for employee salaries. We believe, given this factual situation, your question is answered by the terms of the veto message which the Governor issued.

If you have any further questions in this regard, please feel free to contact us.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 15
January 29, 1981

Dear Senator Johnson:

By letter dated January 20, 1981, you requested an opinion of this office on the constitutionality of proposed legislation concerning real estate practices. Essentially, the legislation would amend Neb.Rev.Stat. section 81-885.24 by adding to numerous real estate broker unfair trade practices two additional practices. The first would be the negligent or intentional misrepresenting that a change has occurred or will or may occur in a neighborhood's composition with respect to religion, race or national origin, age, sex or marital status, or the negligent or intentional misrepresenting that any such change will or may result in reduced property values, increased criminal or antisocial behavior, or a decline in the quality of the schools. The second unfair trade practice would be the failure to identify neighborhoods or residential areas not subject to mandated school busing requirements when supplying information to an individual regarding busing.

The legislative objectives of the practices encompassed by the proposed legislation respectively are to prevent a certain kind of misrepresentation in the real estate sales process and to require that certain relevant information be divulged. It seems to us that such objectives can be said to further a public purpose and in that regard the legislation would appear to be a valid exercise of the police power of the state. However, we find constitutional problems with each provision because of vagueness and uncertainty.

It occurs to us that the essence of a misrepresentation is the conveying of false or wrong information. We note that the first provision of the proposed legislation purports to deal with a misrepresentation that a change in neighborhood composition not only has or will occur but may occur. Mindful that a present statement to the effect that a future occurrence may or may not take place cannot be said to amount to a misrepresentation, we find ourselves speculating about the practice to which this provision is to apply. Thus, we cannot ignore the constitutional principle that where legislation would exact obedience to a particular rule or standard, the legislation must not be so vague or indefinite so that the ordinary person exercising common sense would be unable to sufficiently understand it and fulfill its prescriptions. In our view, this first provision carries with it a degree of vagueness and uncertainty which renders it constitutionally infirm.

Similarly, we think the second provision fails to pass constitutional muster for vagueness and uncertainty. When a prospective buyer requests information about busing, the provision in question does not indicate whether the broker's duty to inform must include every block or every area or every neighborhood in a particular community, or only those adjacent to the residential area with regard to which the original question was asked. Moreover, the provision affords no guidance as to when the information obliged to be given can properly be restricted to a block or must include an area as large as a neighborhood. While the basic objective of this provision is discernible from its present language, we feel that it is not nearly certain enough to provide adequate advance notice as to what precise information would be required to be divulged in any particular instance during the real estate sales process.

You specifically asked in your January 20 letter that we review the proposed legislation for any freedom of speech violations. Your concern no doubt stems from recent United States Supreme Court cases holding that commercial speech is to be afforded the same First Amendment protection as traditionally has been afforded personal or private speech. Bates v. State Bar of Arizona, 433 U.S. 350 (1977). While this may be true, it also seems clear that a state may, without violating the First Amendment, deal with the problem of commercial speech that is deceptive or misleading in furtherance of its police power. The First Amendment does not prohibit the state from insuring that the stream of commercial information flows cleanly as well as freely. See, Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council, 425 U.S. 748 (1976). Inasmuch as the legislation you submitted to us for review is concerned with misrepresentations, we find no free speech violation. Additionally, in view of the numerous cases which indicate the state may regulate the time, place and manner of commercial speech, we find no free speech objection with that provision requiring certain information be given in connection with school busing.

We hasten to point out that our conclusions with respect to the free speech analysis are based on the assumption that the proposed legislation is intended to deal only with misrepresentations rather than representations. Had the import of the provisions been to forbid real estate brokers to speak to the matter of the composition of any particular neighborhood at all, we are convinced that substantial free speech questions would have come into play.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Shanler D. Cronk
Assistant Attorney General

SDC:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 542. By Schmit, 23rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to amend sections 2-2402, 2-2405, 2-2406, 2-2408, 2-2408.01, 2-2408.02, and 2-2409, Reissue Revised Statutes of Nebraska, 1943, relating to artificial weather modification; to eliminate the Weather Modification Commission; to provide duties for the Department of Agriculture; to repeal the original sections, and also section 2-2404, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 165A. By Lamb, 43rd District.
This bill introduced on behalf of: LB 165.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 165, Eighty-seventh Legislature, First Session, 1981.

GENERAL FILE

LEGISLATIVE BILL 92. Title read. Considered.

Standing Committee amendments found in the Journal on page 348 for the Thirteenth Day were adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 199. Title read. Considered.

Standing Committee amendment found in the Journal on page 349 for the Thirteenth Day was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

MR. CLARK PRESIDING

LEGISLATIVE BILL 170. Title read. Considered.

Standing Committee amendments found in the Journal on page 349 for the Thirteenth Day were adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Chambers requested a record vote.

Voting in the affirmative, 32:

Beutler
Beyer
Carsten
Chronister
Clark
Cullan
Dworak
Fitzgerald
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Lamb
Landis
Maresh
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 4:

Chambers
Cope
Koch
Rumery

Present and not voting, 11:

Barrett
Burrows
DeCamp
Fenger
Goll
Higgins
Labedz
Marvel
Peterson, R.
Schmit
Vickers

Excused and not voting, 2:

Fowler	Goodrich

Advanced to E & R for Review with 32 ayes, 4 nays, 11 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Newell asked unanimous consent to add his name to LB 170. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mesdames Gordon Bryant, Sr., Ralph Anderson, Jr., James R. Goll, and Miss Suzanne Bryant from Tekamah, Nebraska; Bob Smith and Mrs. Smith from Broken Bow.

ADJOURNMENT

At 12:06 p.m., on a motion by Mr. Maresh, the Legislature adjourned until 9:00 a.m., Tuesday, February 3, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - FEBRUARY 3, 1981

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 3, 1981

PRAYER

The prayer was offered by Rev. Dean Herman, Church of the Nazarene, Curtis, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins, Messrs. Cullan, Hoagland, and Koch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixteenth Day was approved.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 41. Placed on General File.
LEGISLATIVE BILL 45. Placed on General File.

LEGISLATIVE BILL 18. Placed on General File as amended.
Standing Committee amendment to LB 18:
1. On page 2, line 8, after "a" insert "nonpartisan".

LEGISLATIVE BILL 121. Placed on General File as amended.
Standing Committee amendment to LB 121:
1. On page 4, line 4, strike "district" and insert "public body"; and in line 23 after the period insert "Upon the granting of such easement, it shall be the duty of the secretary of the Board of Educational Lands and Funds to transmit a certified copy of the easement for filing in the office of the register of deeds in the county or counties where the easement is located.".

LEGISLATIVE BILL 4. Indefinitely postponed.

LEGISLATIVE BILL 10. Indefinitely postponed.
LEGISLATIVE BILL 26. Indefinitely postponed.
LEGISLATIVE BILL 66. Indefinitely postponed.

(Signed) Martin Kahle, Chairperson

Public Works

LEGISLATIVE BILL 14. Placed on General File.

LEGISLATIVE BILL 51. Placed on General File as amended.
Standing Committee amendments to LB 51:

1. On page 2, line 9, strike "$9,000.00" and insert "$4,500.00"; in line 10 strike "9,750.00" and insert "4,875.00"; in line 11 strike "10,500.00" and insert "5,250.00"; in line 12 strike "11,250.00" and insert "5,625.00"; in line 13 strike "12,000.00" and insert "6,000.00"; and in line 14 strike "12,750.00" and insert "6,375.00".
2. Strike original section 2.
3. On page 3, line 11, strike "sections" and insert "section", after "39-2503" insert a comma, and strike "and"; and in line 12 strike "39-2504,", and strike "are" and insert "is".
4. Renumber original section 3 as section 2.

(Signed) Maurice Kremer, Chairperson

Business and Labor

LEGISLATIVE BILL 68. Indefinitely postponed.

(Signed) Richard Maresh, Chairperson

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 339	Monday, February 23, 1981	1:00 p.m.
LB 346	Monday, February 23, 1981	1:00 p.m.
LB 286	Monday, February 23, 1981	1:00 p.m.
LB 289	Monday, February 23, 1981	1:00 p.m.
LB 353	Monday, February 23, 1981	1:00 p.m.
LB 328	Tuesday, February 24, 1981	1:30 p.m.
LB 477	Tuesday, February 24, 1981	1:30 p.m.
LB 228	Tuesday, February 24, 1981	1:30 p.m.

LB 372	Wednesday, February 25, 1981	1:30 p.m.
LB 231	Wednesday, February 25, 1981	1:30 p.m.
LB 242	Wednesday, February 25, 1981	1:30 p.m.
LB 414	Monday, March 2, 1981	1:30 p.m.
LB 504	Monday, March 2, 1981	1:30 p.m.
LB 525	Monday, March 2, 1981	1:30 p.m.
LB 192	Tuesday, March 3, 1981	1:30 p.m.
LB 335	Tuesday, March 3, 1981	1:30 p.m.
LB 428	Tuesday, March 3, 1981	1:30 p.m.
LB 202	Wednesday, March 4, 1981	1:30 p.m.
LB 213	Wednesday, March 4, 1981	1:30 p.m.
LB 512	Monday, March 9, 1981	1:30 p.m.
LB 513	Monday, March 9, 1981	1:30 p.m.
LB 514	Monday, March 9, 1981	1:30 p.m.
LB 53	Tuesday, March 10, 1981	1:30 p.m.
LB 340	Tuesday, March 10, 1981	1:30 p.m.
LB 475	Tuesday, March 10, 1981	1:30 p.m.
LB 432	Wednesday, March 11, 1981	1:30 p.m.
LB 532	Wednesday, March 11, 1981	1:30 p.m.
LB 341	Wednesday, March 11, 1981	1:30 p.m.
LB 489	Monday, March 16, 1981	1:30 p.m.
LB 503	Monday, March 16, 1981	1:30 p.m.
LB 411	Monday, March 16, 1981	1:30 p.m.
LB 516	Monday, March 16, 1981	1:30 p.m.

(Signed) William E. Nichol, Chairperson

REPORTS

Received report on the activities of the Nebraska Commission on Rural Health Manpower for 1980.

Received report from Law Enforcement and Public Safety, Nebraska State Patrol in accordance with Nebraska Statute 28-429(3).

RESOLUTIONS

LEGISLATIVE RESOLUTION 9. Read. Considered.

LR 9 was adopted with 38 ayes, 0 nays, and 11 not voting.

LEGISLATIVE RESOLUTION 10. Read. Considered.

LR 10 was adopted with 36 ayes, 0 nays, and 13 not voting.

LEGISLATIVE RESOLUTION 12. Read. Considered.

Mr. Newell moved to refer the motion to the Executive Board for reference to a Standing Committee for a hearing.

The motion prevailed with 27 ayes, 13 nays, and 9 not voting.

LEGISLATIVE RESOLUTION 13.

Introduced by Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Burrows, 30th District; Chronister, 18th District; Clark, 47th District; DeCamp, 40th District; Dworak, 22nd District; Fenger, 45th District; Fitzgerald, 14th District; Goll, 16th District; Haberman, 44th District; Johnson, L., 15th District; Johnson, V., 8th District; Kahle, 37th District; Kilgarin, 7th District; Kremer, 34th District; Landis, 46th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Peterson, H., 35th District; Pirsch, 10th District; Remmers, 1st District; Rumery, 42nd District; Sieck, 24th District; Stoney, 4th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Wiitala, 31st District.

WHEREAS, the athletic programs of the University of Nebraska, especially its football program, are some of the finest in the nation; and

WHEREAS, Bob Devaney was greatly responsible for turning the football team at the University of Nebraska in Lincoln into a top national contender during his eleven years as head football coach and continues to successfully promote and administer the athletic programs at the University of Nebraska in Lincoln as its athletic director; and

WHEREAS, Bob Devaney has been selected for induction this year into the National Football Foundation Hall of Fame and is the fifth University of Nebraska football coach to be inducted; and

WHEREAS, Bob Devaney's national recognition is a well-deserved honor for an individual who has received praise and respect from his players, staff, and fans across the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the members of the Legislature extend their congratulations to Bob Devaney for his honor in being inducted into the National Football Foundation Hall of Fame, and for all his other successes on and off the football field.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 17	Monday, February 9, 1981	1:30 p.m.
LB 40	Monday, February 9, 1981	1:30 p.m.
LB 12	Tuesday, February 10, 1981	1:30 p.m.
LB 48	Tuesday, February 10, 1981	1:30 p.m.
LB 61	Tuesday, February 10, 1981	1:30 p.m.
LB 256	Tuesday, February 10, 1981	1:30 p.m.
LB 142	Wednesday, February 11, 1981	1:30 p.m.
LB 211	Wednesday, February 11, 1981	1:30 p.m.
LB 342	Wednesday, February 11, 1981	1:30 p.m.
LB 478	Wednesday, February 11, 1981	1:30 p.m.

(Signed) Calvin F. Carsten, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 543. By Schmit, 23rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to amend sections 76-1603, 76-1606, 76-1619, and 76-1622, Revised Statutes Supplement, 1980, relating to the Nebraska Mortgage Finance Fund Act; to define a term; to change provisions relating to the fund's powers; to provide a condition for loans; and to repeal the original sections.

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendments to LB 178 in the Journal. No objections. So ordered.

Req. No. 2029

1. On page 7, line 17, strike “neglect or refusal” and insert “failure”; in line 21 strike “all” and insert “such”, and after “property” insert “belonging to the taxpayer as is necessary to satisfy the liability”; and in line 22 strike “belonging to such taxpayer,”.

2. On page 11, line 13, strike “the subject of distraint, or”.

3. On page 17, line 10, strike “neglect or refusal” and insert “failure”; in line 14 strike “all”

and insert “such”, and after “property” insert “belonging to the taxpayer as is necessary to satisfy the liability”; and in line 15, strike “belonging to such taxpayer,”.

4. On page 21, line 3, strike “the subject of distraint, or”.

5. On page 32, line 1, strike “neglect or refusal” and insert “failure”; in line 5 strike “all” and insert “such”, and strike “such”; and in line 6 strike “person” and insert “the taxpayer as is necessary to satisfy the liability”.

6. On page 35, in line 25, strike “the subject of distraint, or”.

7. Insert the following new section:

“Sec. 6. That section 77-27,106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,106. (1) In addition to all other remedies or actions provided by sections 77-2701 to 77-27,135, it shall be lawful for the Tax Commissioner to collect any income taxes due together with interest, penalties, and additions to such tax, by distraint and sale of the personal property of any taxpayer who neglects or refuses to pay the same within sixty days from the mailing of notice and demand for payment thereof, and who has not appealed from the assessment of such taxes, interest, penalties, and additions pursuant to the income tax provisions of sections 77-2701 to 77-27,135, or who has not satisfied or discharged any lien filed.

(2) Property exempt from distraint shall be the same property as is exempt from execution under the laws of this state.

(3) In case of ~~neglect or refusal~~ failure to pay taxes or deficiencies as provided, the Tax Commissioner may levy or, by warrant issued under his or her own hand, authorize a sheriff, constable, or deputy commissioner to levy upon, seize, and sell ~~all~~ such personal property belonging to the taxpayer as is necessary to satisfy the liability, except such as is exempt, ~~belonging to such person,~~ for the payment of the amount due.

(4) (a) When a warrant is issued by the Tax Commissioner for the collection of any income tax, interest, penalty, or addition to such tax imposed by the provisions of sections 77-2701 to 77-27,135, or for the enforcement of any income tax lien authorized by sections 77-2701 to 77-27,135, it shall have the same force and effect as a levy and sale pursuant to a writ of execution. (b) Such warrant may be levied and sale made

pursuant to it in the same manner and with the same force and effect as a levy and sale pursuant to a writ of execution. (c) The Tax Commissioner shall pay the levying sheriff, constable, or deputy commissioner the same fees, commissions, and expenses pursuant to such warrant as are provided by law for similar services pursuant to a writ of execution, except that fees for publication in a newspaper shall be subject to approval by the Tax Commissioner rather than by the court. Such fees, commissions, and expenses shall be an obligation of the taxpayer and may be collected from the taxpayer by virtue of the warrant. (d) Any such warrant shall show the name and last-known address of the taxpayer, the year for which such tax, interest, penalty, or addition to such tax is due and the amount thereof, and the fact that the Tax Commissioner has complied with all provisions of sections 77-2701 to 77-27,135 in the determination of the amount required to be paid, and that the tax, interest, penalty, or addition to such tax is due and payable according to law.

(5) Whenever any property which is seized and sold under the provisions of this section is not sufficient to satisfy the claim of the state for which distraint or seizure is made, the sheriff, constable, or deputy commissioner may thereafter, and as often as the same may be necessary, proceed to seize and sell in like manner any other property liable to seizure of the taxpayer against whom such claim exists, until the amount due from such taxpayer, together with all expenses, is fully paid.

(6) All persons and officers of companies or corporations shall, on demand of a sheriff, constable, or deputy commissioner about to distrain, or having distrained any property or rights of property, exhibit all books containing evidence or statements relating to ~~the subject of distraint, or~~ the property or rights of property liable to distraint for the tax due.

(7) The distraint provisions of this section shall not be deemed exclusive, but shall be in addition to any and all other existing remedies provided by law for the enforcement of the income tax provisions of sections 77-2701 to 77-27,135.

(8) Nothing in this section shall be construed to prohibit the commencing of any action at law by the Tax Commissioner to collect any income tax, interest, penalty, or addition to such tax due under the provisions of sections 77-2701 to 77-27,135 whenever in the opinion of the Tax Commissioner the commencement of such action

is a more appropriate method of accomplishing such collection.”.

8. On page 36, line 21, strike “and” and after the first comma insert “and 77-27,106,”.

9. Renumber original section 6 as section 7.

MOTION - Withdraw LB 357

Mr. Nichol moved to suspend Rule 5, Section 11 and Rule 3, Section 12 to allow for withdrawal of LB 357 and cancellation of the public hearing.

The motion prevailed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Mr. Nichol moved to withdraw LB 357 and cancel the public hearing.

The motion prevailed with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 156. Title read. Considered.

Standing Committee amendment found in the Journal on page 355 for the Fourteenth Day was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 28. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 29. Title read. Considered.

Standing Committee amendment found in the Journal on page 368 for the Fifteenth Day was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 42. Title read. Considered.

Standing Committee amendments found in the Journal on page 369 for the Fifteenth Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 43. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 46. Title read. Considered.

MR. CLARK PRESIDING

Standing Committee amendments found in the Journal on page 371 for the Fifteenth Day were adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Messrs. Carsten and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Rumery offered the following amendment:
Amend LB 46.
To add the emergency clause.

The amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 81. Title read. Considered.

Standing Committee amendments found in the Journal on page 374 for the Fifteenth Day were considered.

Mr. Wesely moved for a Call of the House. The motion prevailed with 24 ayes, 6 nays, and 19 not voting.

The Standing Committee amendments were adopted with 25 ayes, 12 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Messrs. Maresh and Dworak asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 5 nays, 11 present and not voting, and 6 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 14.

Introduced by Fenger, 45th District; Newell, 13th District.

WHEREAS, Nebraska has been home to many great athletes who have been honored nationally; and

WHEREAS, Bob Gibson is a native Nebraskan who pitched for the St. Louis Cardinals for twenty years and this year, his first year of eligibility, will be inducted into the national Baseball Hall of Fame; and

WHEREAS, Bob Gibson was an asset to the Creighton University team while playing there and has proved to be an asset to every team he has played on; and

WHEREAS, Bob Gibson has had many previous honors and accomplishments, such as winning the Cy Young award in the national league and being named the national league's most valuable player in 1968; and

WHEREAS, such an outstanding athlete who is now a prominent businessman and leader in his community should be honored for his accomplishments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature declares February 15, 1981, as Bob Gibson Day and urges the citizens of this state to support such a day to honor a great athlete.

2. That the Legislature extends its congratulations and best wishes to Bob Gibson for his induction into baseball's Hall of Fame and for all his other accomplishments which demonstrate that hard work, talent, and determination should be recognized.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 30 in the Journal. No objections. So ordered.

1. On page 4, line 3, after "signed" insert "and acknowledged"; and in line 8 before "Purchases" insert "The burden of proof as to the sufficiency of the petition shall rest with the petitioners. If the alternative petition procedure is used, the park, playground, or recreational facility shall be of special benefit to the property within the sanitary and improvement district only, and the entire cost of such improvement shall be specifically assessed against such property.".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 536 through 542.

LB	Committee
536	Government, Military and Veterans Affairs
537	Government, Military and Veterans Affairs
538	Miscellaneous Subjects
539	Constitutional Revision and Recreation
540	Banking, Commerce and Insurance
541	Judiciary
542	Agriculture and Environment

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 434	Wednesday, February 11, 1981	1:30 p.m.
LB 354	Wednesday, February 11, 1981	1:30 p.m.
LB 298	Wednesday, February 11, 1981	1:30 p.m.
LB 220	Wednesday, February 18, 1981	1:30 p.m.
LB 307	Wednesday, February 25, 1981	1:30 p.m.
LB 491	Wednesday, February 25, 1981	1:30 p.m.
LB 359	Wednesday, February 25, 1981	1:30 p.m.
LB 437	Wednesday, February 25, 1981	1:30 p.m.
LB 311	Wednesday, February 25, 1981	1:30 p.m.

LB 237	Wednesday, March 4, 1981	1:30 p.m.
LB 241	Wednesday, March 4, 1981	1:30 p.m.
LB 392	Wednesday, March 4, 1981	1:30 p.m.
LB 469	Wednesday, March 4, 1981	1:30 p.m.
LB 501	Wednesday, March 4, 1981	1:30 p.m.
LB 265	Wednesday, March 11, 1981	1:30 p.m.
LB 362	Wednesday, March 11, 1981	1:30 p.m.
LB 435	Wednesday, March 11, 1981	1:30 p.m.
LB 324	Wednesday, March 18, 1981	1:30 p.m.
LB 350	Wednesday, March 18, 1981	1:30 p.m.
LB 420	Wednesday, March 18, 1981	1:30 p.m.

(Signed) David Landis, Chairperson

Education

LB 363	Monday, February 9, 1981	1:30 p.m.

(Signed) Jerry Koch, Chairperson

Banking, Commerce and Insurance

LB 272	Monday, February 9, 1981	3:00 p.m.
LB 355	Tuesday, February 10, 1981	1:30 p.m.
LB 358	Tuesday, February 10, 1981	2:00 p.m.
LB 460	Tuesday, February 10, 1981	3:00 p.m.
LB 327	Tuesday, February 10, 1981	3:45 p.m.
LB 133	Tuesday, February 17, 1981	1:30 p.m.
LB 500	Tuesday, February 17, 1981	3:30 p.m.
LB 425	Tuesday, February 17, 1981	4:00 p.m.
LB 271	Monday, February 23, 1981	1:30 p.m.
LB 329	Monday, February 23, 1981	2:15 p.m.
LB 330	Monday, February 23, 1981	2:45 p.m.
LB 403	Tuesday, February 24, 1981	1:30 p.m.

LB 257	Tuesday, February 24, 1981	2:00 p.m.
LB 276	Tuesday, February 24, 1981	3:00 p.m.
LB 376	Monday, March 2, 1981	1:30 p.m.
LB 277	Monday, March 2, 1981	2:30 p.m.
LB 349	Monday, March 2, 1981	3:15 p.m.
LB 517	Tuesday, March 3, 1981	1:30 p.m.
LB 421	Tuesday, March 3, 1981	2:30 p.m.
LB 426	Tuesday, March 3, 1981	3:30 p.m.

(Signed) John DeCamp, Chairperson

VISITORS

Visitors to the Chamber were 35 students and 15 adults of the Vocational Student Organizations from all over the state.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Newell, the Legislature adjourned until 9:00 a.m., Wednesday, February 4, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY - FEBRUARY 4, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 4, 1981

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Dean L. Hubbard, Ph.D., President of Union College, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten and Warner who were excused; and Messrs. Burrows, Fowler, Hoagland, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventeenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 165. Placed on Select File.
LEGISLATIVE BILL 185. Placed on Select File.
LEGISLATIVE BILL 187. Placed on Select File.

LEGISLATIVE BILL 238. Placed on Select File as amended.
E & R amendment to LB 238:

1. In the title, line 2, strike "section 81-885.31" and insert "sections 81-885.26 and 81-885.30"; in line 3 strike "section" and insert "sections 81-885.21 and"; at the end of line 5 insert "to change provisions for trust

account deposits;"; strike beginning with "delete" in line 6 through line 7 and insert "change answer time; to change provisions for review of orders;"; and in line 8 insert "; and also section 81-885.31, Reissue Revised Statutes of Nebraska, 1943" after "sections".

LEGISLATIVE BILL 244. Placed on Select File.

LEGISLATIVE BILL 92. Placed on Select File as amended.
E & R amendment to LB 92:

1. In the title, line 2, insert "and" after the second comma; in lines 2 and 3, strike "1-138, 1-139, and 1-160,"; in line 4 strike ", 1-135,"; strike "permit" in line 9 and all of line 10 and insert "the inactive fee; to"; in line 12 strike "and"; and in line 13 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 199. Placed on Select File as amended.
E & R amendment to LB 199:

1. In the title, line 4, insert "; and to declare an emergency" after "banking".

LEGISLATIVE BILL 170. Placed on Select File as amended.
E & R amendments to LB 170:

1. On page 2, line 4, insert "exercising" after "to".
2. On page 3, line 18, strike "this section" and insert "sections 1 to 4 of this act".

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 64. Placed on General File as amended.
Standing Committee amendments to LB 64:

1. Strike the original sections and insert the following new sections:

"Section 1. That section 39-630, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-630. (1) Whenever any highway has been divided into two or more roadways by a median, a driver shall drive only upon the right-hand roadway unless directed or permitted to use another roadway by traffic-control devices or competent authority.

(2) No driver shall drive any vehicle over, across, or within any median except through an opening in such median or at a crossover or intersection as established by competent authority. Medians on freeways shall not be crossed or entered upon at any point, unless specifically directed by competent authority.

(3) No driver except drivers of authorized emergency vehicles and drivers of wreckers or other vehicles assisting a stranded vehicle shall use any emergency entrance or median crossover on a freeway intended only for emergency vehicles, but no such excepted driver shall drive in such manner as to create a hazard to any other vehicle.

Sec. 2. That section 39-6,151 Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,151. (1) A rotating or flashing red light or lights may be displayed on any motor vehicle operated by any volunteer ~~fireman~~ firefighter or law enforcement officer anywhere in this state while actually en route to the scene of a fire or other emergency requiring his or her services as a volunteer ~~fireman~~ firefighter or law enforcement officer but only after its use shall have been authorized in writing by the county sheriff. Application for a permit to display such light shall be made in writing to the sheriff on forms to be prescribed and furnished by the superintendent of the Nebraska State Patrol. The application shall be accompanied by a statement that the applicant is a volunteer ~~fireman~~ firefighter or law enforcement officer and requesting issuance of the permit, which statement shall be signed by the chief of the applicant's fire department or law enforcement superior. Such permit shall be carried at all times in the vehicle named therein. Each such permit shall expire on December 31 of each year and shall be renewed in the same manner as it was originally issued. The sheriff may at any time revoke such permit upon a showing of abuse thereof or upon receipt of notice from the chief of the fire department that the holder thereof is no longer an active volunteer ~~fireman~~ firefighter or law enforcement officer. Any person whose permit has been so revoked shall upon demand surrender it to the sheriff or his or her authorized agent.

(2) A rotating or flashing red light or lights may be displayed on any motor vehicle being used by rescue squads actually en route to, at, or returning from any emergency requiring their services, or by any privately-owned wrecker when engaged in emergency services at the scene of an accident, or at a disabled vehicle, located outside the city limits of a metropolitan or primary class city, but only after its use shall have been authorized in writing by the county sheriff. Applications shall be made and revoked in the same manner as for volunteer ~~firemen~~ firefighters as provided in subsection (1) of this section.

(3) It shall be the duty of the operator of any motor vehicle to yield the right-of-way to any motor vehicle displaying a rotating or flashing red light or lights.

Sec. 3. That original sections 39-630 and 39-6,151, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 65. Placed on General File as amended.
Standing Committee amendment to LB 65:

1. On page 5, line 3, strike the new matter and reinstate the stricken matter.

(Signed) Maurice Kremer, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 39A. By Kahle, 37th District.
This bill introduced on behalf of: LB 39.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 39, Eighty-seventh Legislature, First Session, 1981; and to declare an emergenacy.

UNANIMOUS CONSENT - Print in Journal

Messrs. V. Johnson and Chambers asked unanimous consent to print the following amendments to LB 45 in the Journal. No objections. So ordered.

Req. No. 2034

1. Strike the original sections and insert the following new sections:

"Section 1. That section 81-1428, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1428. ~~There is hereby created a Law Enforcement Improvement Fund which shall be maintained by the State Treasurer as a cash fund, and from which there~~ There shall be appropriated from the General Fund such amounts as ~~are available therefrom and as shall by~~ the Legislature shall consider ~~be considered~~ appropriate for the improvement of law enforcement at the municipal and county levels.

Sec. 2. That original section 81-1428, Reissue Revised Statutes of Nebraska, 1943, and also section 81-1429, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. In the title, strike lines 2 through 6 and insert the following:

"FOR AN ACT to amend section 81-1428, Reissue Revised Statutes of Nebraska, 1943, relating to law enforcement; to eliminate the Law Enforcement Improvement Fund; to provide for an appropriation as prescribed; and to repeal the original section, and also section 81-1429, Reissue Revised Statutes of Nebraska, 1943.".

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 403	Tuesday, February 24, 1981 (Cancel)	1:30 p.m.
LB 403	Tuesday, March 3, 1981 (Reset)	4:00 p.m.

(Signed) John W. DeCamp, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 13. Read. Considered.

LR 13 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 14. Read. Considered.

LR 14 was adopted with 34 ayes, 0 nays, and 15 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1.

A BILL FOR AN ACT to amend sections 38-1001 and 38-1007, Revised Statutes Supplement, 1969, and section 38-1004, Revised Statutes Supplement, 1969, as amended by section 1, Legislative Bill 200, Eighty-sixth Legislature, First Session, 1979, relating to the Nebraska Uniform Gifts to Minors Act; to redefine terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 3:

Carsten
Hoagland
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 2.

A BILL FOR AN ACT to amend sections 81-1612, 81-1614, 81-1617, and 81-1618, Revised Statutes Supplement, 1980, relating to the State Energy Office; to correct internal references; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is,'Shall the bill pass?' "

Voting in the affirmative, 45:

Barrett	Beutler	Beyer	Burrows	Chambers
Chronister	Clark	Cope	Cullan	DeCamp
Dworak	Fenger	Fitzgerald	Fowler	Goll
Goodrich	Haberman	Hefner	Higgins	Johnson, L.
Johnson, V.	Kilgarin	Koch	Kremer	Labedz
Lamb	Landis	Maresh	Marsh	Marvel
Newell	Nichol	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rumery	Schmit	Sieck	Stoney
Vickers	Von Minden	Wagner	Wesely	Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Kahle

Excused and not voting, 3:

Carsten	Hoagland	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 60.

A BILL FOR AN ACT to amend section 21-17,120.01, Revised Statutes Supplement, 1980, relating to credit unions; to provide the same advantages as a federal credit union; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is,'Shall the bill pass?' "

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 1:

Vickers

Present and not voting, 1:

Schmit

Excused and not voting, 3:

Carsten
Hoagland
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 71.

A BILL FOR AN ACT to amend section 8-355, Revised Statutes Supplement, 1980, relating to building and loan associations; to provide the same advantages as federal savings and loan associations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Vickers

Excused and not voting, 3:

Carsten Hoagland Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 57.

A BILL FOR AN ACT to amend sections 44-2630 and 44-2631, Revised Statutes Supplement, 1980, relating to insurance; to change provisions pertaining to insurance consultants; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Barrett Beutler Beyer Burrows Chambers
Chronister Clark Cope Cullan DeCamp
Dworak Fenger Fitzgerald Fowler Goll
Goodrich Haberman Hefner Higgins Johnson, L.
Johnson, V. Kahle Kilgarin Koch Kremer
Labedz Lamb Landis Maresh Marsh
Marvel Newell Peterson, H. Peterson, R. Pirsch
Remmers Rumery Schmit Sieck Stoney
Vickers Von Minden Wagner Wesely Wiitala

Voting in the negative, 1:

Nichol

Excused and not voting, 3:

Carsten Hoagland Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 141. With Emergency.

A BILL FOR AN ACT to amend sections 79-1558 and 79-1560 to 79-1562, Revised Statutes Supplement, 1980, relating to the school retirement system; to change provisions relating to supplemental retirement benefits; to eliminate an exception for eligibility; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Labedz
Peterson, R.

Excused and not voting, 3:

Carsten
Hoagland
Warner

A constitutional two-thirds majority having voted in the affimative, the bill was declared passed with the emergency clause and the title agreed to.

NOTICE OF COMMITTEE HEARINGS
Education

LB 338	Tuesday, February 10, 1981 (Cancel)	1:30 p.m.
LB 423	Tuesday, February 10, 1981 (Cancel)	1:30 p.m.

LB 443	Tuesday, February 10, 1981 (Reset)	1:30 p.m.
LB 455	Tuesday, February 10, 1981 (Reset)	1:30 p.m.

(Signed) Jerry Koch, Chairperson

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 24. Placed on General File as amended.
Standing Committee amendments to LB 24:

1. Strike the original sections and insert the following new sections:

"Section 1. A sprinkler irrigation system which due to location or design diverts water onto or across a public road so as to saturate, wash, or impair the maintenance, construction, or passability of such public road, or allows water to accumulate on the roadway or traveled surface of the public road, shall be equipped with a device which will automatically shut off that portion of the irrigation system causing such diversion or accumulation of water. Any person who fails to comply with this section shall, upon conviction thereof, be guilty of a Class V misdemeanor.".

2. In the title strike lines 2 to 6 and insert:
"FOR AN ACT relating to public roads; to require certain equipment on irrigation systems as prescribed; and to provide a penalty.".

LEGISLATIVE BILL 143. Placed on General File as amended.
Standing Committee amendments to LB 143:
Req. No. 2028

1. On page 2, line 26, strike "Sixty-five" and insert "Sixty"; and in line 27 after "freeway" insert ". If at any time the Governor finds, following a public hearing and based upon the evidence presented at such hearing, that a loss to the state of federal highway funds would occur as a result of the sixty mile per hour limit, he or she may by executive order establish, after reasonable notice to the public, the limit as fifty-five miles per hour upon any freeway".

2. On page 4, line 3, strike "Sixty-five" and insert "Sixty"; and in line 4 after "freeway" insert ". If at any time the Governor finds, following a public hearing and based upon the evidence presented at such hearing, that a loss to the state of federal highway funds would occur as a result of the sixty mile per hour limit, he or she may by executive order establish, after reasonable notice to the public, the limit as fifty-five miles per hour upon any freeway".

3. On page 5, line 1, strike "Sixty-five" and insert "Sixty"; and in line 2 after "freeway" insert ". If at any time the Governor finds, following a public hearing and based upon the evidence presented at such

hearing, that a loss to the state of federal highway funds would occur as a result of the sixty mile per hour limit, he or she may by executive order establish, after reasonable notice to the public, the limit as fifty-five miles per hour upon any freeway".

4. Insert a new section as follows:

"Sec. 3. That section 39-669.26, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.26. In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the Director of Motor Vehicles. The following point system shall be adopted:

(1) Conviction of motor vehicle homicide -- 12 points;

(2) Third offense drunken driving in violation of any city or village ordinance or of section 39-669.07, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense -- 12 points;

(3) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another -- 6 points;

(4) Failure to stop and render aid as required under the laws of this state or any city or village ordinance in the event of a motor vehicle accident resulting in property damage if such accident is reported by the owner or operator within twelve hours from the time of the accident -- 4 points, otherwise -- 8 points, and for purposes of this subdivision a telephone call or other notification to the appropriate peace officers shall be deemed to be a report;

(5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or with ten-hundredths of one per cent or more by weight of alcohol in body fluids in violation of any city or village ordinance or of section 39-669.07 -- 6 points;

(6) Willful reckless driving in violation of any city or village ordinance or of section 39-669.03 or 39-699.05 -- 6 points;

(7) Careless driving in violation of any city or village ordinance or of section 39-669 -- 4 points;

(8) Negligent driving in violation of any city or village ordinance -- 3 points;

(9) Reckless driving in violation of any city or village ordinance or of section 39-669.01 -- 5 points;

(10) Speeding in violation of any city or village ordinance or of section 39-662, 39-663, or 39-666: (a) Not more than five miles per hour over the speed limit -- 1 point; (b) more than five miles per hour but not more than ten miles per hour over the speed limit -- 2 points; (c) more than ten miles per hour over the speed limit -- 3 points; Provided,~~ that no points shall be assessed upon conviction of exceeding by not more than ten miles per hour the speed limit on any part of the National System of Interstate and Defense Highways; and provided further,~~ that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour, the speed limits provided for in subdivision (2)(c) or (d) of section 39-662 or subdivision (1)(c), (d), or (e), ~~(2)~~ (3) (c), (d), or (e), or (4)(c) ~~or (d)~~ of section 39-666;~~ except as provided in the first proviso in this subdivision;~~ and

(11) All other traffic violations involving the operation of motor vehicles by the operator, for which reports to the Department of Motor Vehicles are required under sections 39-669.22 and 39-669.23, not including parking violations, violations for operating a motor vehicle without a valid operator's license in the operator's possession, muffler violations, overwidth, overheight, or overlength violations, motorcycle protective headgear violations, or overloading of trucks -- 1 point.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had.

In all cases, the forfeiture of bail, not vacated, shall be regarded as equivalent to the conviction of the offense with which the operator was charged.".

4. On page 8, line 17, strike "section" and insert "sections", and after "39-622" insert "and 39-669.26"; and in line 19 after the second comma insert "and also section 39-662.02, Reissue Revised Statutes of Nebraska, 1943,".

5. Renumber original section 3 as section 4.

(Signed) Maurice Kremer, Chairperson

UNANIMOUS CONSENT-Add Co-Introducer

Mr. Wagner asked unanimous consent to add his name to LB 524. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 20. Title read. Considered.

Standing Committee amendment found in the Journal on page 375 for the Fifteenth Day was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Maresh offered the following amendment:

1. On page 6, strike beginning with "An" in line 13 through the underscored period in line 21.

The amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 69. Title read. Considered.

Standing Committee amendment found in the Journal on page 379 for the Fifteenth Day was considered.

Mrs. Marsh requested a division of the question on the committee amendments.

The Chair sustained the division.

(1)

The first amendment is as follows:

1. On page 2, line 3, strike "four" and insert "three".

The Standing Committee amendment number (1) lost with 16 ayes, 16 nays, 14 present and not voting, and 3 excused and not voting.

(2)

The second amendment is as follows:

In line 4 after "vehicle" insert ", as defined in section 60-301,"; and in line 11 after "include" insert "public transportation vehicles or".

The Standing Committee amendment number (2) was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Haberman offered the following amendment:
To indefinitely postpone LB 69.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 9 ayes, 27 nays, and 13 not voting.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mrs. Marsh requested a roll call vote.

Voting in the affirmative, 22:

Beyer Clark DeCamp Dworak Goodrich
Haberman Hefner Higgins Johnson, L. Kahle
Kremer Lamb Maresh Marvel Nichol
Peterson, H. Peterson, R. Pirsch Remmers Vickers
Von Minden Wagner

Voting in the negative, 22:

Barrett Beutler Chambers Chronister Cope
Cullan Fenger Fitzgerald Fowler Goll
Hoagland Johnson, V. Kilgarin Koch Landis
Marsh Rumery Schmit Sieck Stoney
Wesely Wiitala

Present and not voting, 3:

Burrows Labedz Newell

Excused and not voting, 2:

Carsten Warner

The Haberman motion to indefinitely postpone lost with 22 ayes, 22 nays, 3 present and not voting, and 2 excused and not voting.

Laid over temporarily.

The Chair declared the Call raised.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 471	Friday, February 20, 1981	1:30 p.m.
LB 497	Friday, February 20, 1981	1:30 p.m.

LB 258	Thursday, February 26, 1981	1:30 p.m.
LB 483	Thursday, February 26, 1981	1:30 p.m.
LB 430	Friday, February 27, 1981	1:30 p.m.
LB 193	Thursday, March 5, 1981	1:30 p.m.
LB 429	Thursday, March 5, 1981	1:30 p.m.
LB 490	Thursday, March 5, 1981	1:30 p.m.
LB 519	Friday, March 6, 1981	1:30 p.m.
LB 493	Friday, March 13, 1981	1:30 p.m.

(Signed) Elroy M. Hefner, Chairperson

Agriculture and Environment

LB 542	Friday, March 6, 1981	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Banking, Commerce and Insurance

LB 540	Tuesday, February 24, 1981	1:30 p.m.

(Signed) John W. DeCamp, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 214. Placed on General File as amended.

Standing Committee amendments to LB 214:

Req. No. 2042

1. Insert new sections as follows:

"Section 1. That section 8-446, Revised Statutes Supplement, 1980, be amended to read as follows:

8-446. Every loan made under the provisions of sections 8-435 to 8-450 shall be repayable within a period of one hundred ~~forty-four~~ forty-five months or less in ~~approximately~~ two or more equal or ~~declining~~ unequal installments of principal and interest at approximately equal intervals, except that the loan may be for a longer period than one hundred ~~forty-four~~ forty-five months when a federal loan guarantee program authorizes such longer period. When appropriate, in order to facilitate payment in accordance with the borrower's source of income, the payment schedule may reduce or omit installment payments over any period or periods, totaling not more than twelve months in any such period, if the other payments are increased in such a manner that they will be ~~substantially equal or declining in amount and~~ sufficient in the aggregate to retire the loan within a period of one hundred ~~forty-four~~ forty-five months or a longer period authorized by a federal loan guarantee program.

Sec. 3. That section 8-823, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-823. The following provisions shall apply to loans made under section 8-820:

(1) ~~Every~~ With the exception of loans for mobile homes, every such loan shall be repayable within a period of one hundred ~~twenty-one~~ forty-five months ~~in approximately equal or declining installments of principal or of principal and charges combined, at approximately equal intervals~~ and may be prepaid in whole or in part at any time. One or more of the periodic installments may be accelerated or deferred when the borrower's chief source of income makes such arrangement necessary, if the note or contract so provides and approximately (a) one half of the entire amount be payable in the first half of the full period of the loan and (b) approximately one half of the entire amount be payable in the last half of the full period of the loan;

(2) The bank shall give the borrower a receipt showing the date and amount of each payment made on account of any such loan; and

(3) No bank shall take, in connection with any such loan, any confession of judgment, power of attorney to confess judgment, power of attorney to appear for a borrower in a judicial proceeding, or agreement to pay the costs of collection or the attorney's fees.".

2. On page 3, line 4, strike "8-815" and insert "8-823, Reissue Revised Statutes of Nebraska, 1943, and sections 8-446 and 8-815"; and in line 5 strike "is" and insert "are".

3. Renumber original sections 1, 2, and 3 as sections 2, 4, and 5 repectively.

(Signed) John W. DeCamp, Chairperson

Education

LEGISLATIVE BILL 336. Placed on General File.

LEGISLATIVE BILL 182. Indefinitely Postponed.

(Signed) Jerry Koch, Chairperson

GENERAL FILE

LEGISLATIVE BILL 69. Renewed.

Mr. Burrows offered the following amendment:
Amend LB 69 on page 2 Strike Sec. 2.

Mr. Stoney moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Burrows moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Burrows requested a roll call vote.

Voting in the affirmative, 17:

Beyer	Burrows	Clark	Dworak	Haberman
Hefner	Johnson, L.	Kahle	Kilgarin	Kremer
Labedz	Lamb	Maresh	Peterson, H.	Peterson, R.
Von Minden	Wagner			

Voting in the negative, 29:

Barrett	Beutler	Chronister	Cope	Cullan
DeCamp	Fenger	Fitzgerald	Fowler	Goll
Goodrich	Higgins	Hoagland	Johnson, V.	Koch
Landis	Marsh	Marvel	Newell	Nichol
Pirsch	Remmers	Rumery	Schmit	Sieck
Stoney	Vickers	Wesely	Wiitala	

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Carsten	Warner

The Burrows amendment lost with 17 ayes, 29 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. DeCamp offered the following amendment:
1. In the committee amendments on page 1, line 4, after "vehicles" insert ", pickup trucks,".

The amendment was adopted with 28 ayes, 10 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Maresh offered the following amendment:
LB 69 amendment (Corrected)
Page 2, line 14, strike the period following "action", insert a semicolon and the following new language:
; except this section shall not apply to motor vehicles which are not required to be licensed by the Department of Motor Vehicles pursuant to Chapter 60, Article 3, Nebraska Revised Statutes, unless such motor vehicle is operated by an individual actually maintaining a permanent residence in the State in excess of six months.

The amendment was adopted with 29 ayes, 6 nays, 11 present and not voting and 3 excused and not voting.

Mr. DeCamp offered the following amendment:
Strike section 2 of LB 69 and insert the following: "Any person violating section 1 of this act shall be guilty of an infraction as defined in Section 39-602.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The DeCamp amendment was adopted with 29 ayes, 5 nays, 12 present and not voting, and 3 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mrs. Marsh requested a roll call vote.

Voting in the affirmative, 24:

Beutler
Chambers
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Maresh
Marsh
Newell
Peterson, H.
Rumery
Schmit
Sieck
Stoney
Wesely
Wiitala

Voting in the negative, 22:

Beyer
Burrows
Chronister
Clark
Dworak
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Lamb
Marvel
Nichol
Peterson, R.
Pirsch
Remmers
Vickers
Von Minden
Wagner

Excused and not voting, 3:

Barrett
Carsten
Warner

Failed to advance to E & R for Review with 24 ayes, 22 nays, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Public Health and Welfare

LB 422	Monday, February 23, 1981	2:00 p.m.
LB 466	Monday, February 23, 1981	2:00 p.m.
LB 496	Monday, February 23, 1981	2:00 p.m.
LB 212	Tuesday, February 24, 1981	2:00 p.m.
LB 267	Tuesday, February 24, 1981	2:00 p.m.
LB 268	Tuesday, February 24, 1981	2:00 p.m.
LB 389	Monday, March 2, 1981	2:00 p.m.
LB 456	Monday, March 2, 1981	2:00 p.m.
LB 487	Monday, March 2, 1981	2:00 p.m.
LB 95	Tuesday, March 3, 1981	2:00 p.m.
LB 314	Tuesday, March 3, 1981	2:00 p.m.
LB 380	Tuesday, March 3, 1981	2:00 p.m.
LB 499	Monday, March 9, 1981	2:00 p.m.
LB 183	Monday, March 9, 1981	2:00 p.m.
LB 270	Monday, March 9, 1981	2:00 p.m.

LB 415	Tuesday, March 10, 1981	2:00 p.m.
LB 269	Tuesday, March 10, 1981	2:00 p.m.
LB 447	Monday, March 16, 1981	2:00 p.m.
LB 448	Monday, March 16, 1981	2:00 p.m.
LB 451	Monday, March 16, 1981	2:00 p.m.
LB 509	Monday, March 16, 1981	2:00 p.m.
LB 449	Tuesday, March 17, 1981	2:00 p.m.
LB 450	Tuesday, March 17, 1981	2:00 p.m.
LB 521	Tuesday, March 17, 1981	2:00 p.m.
LB 522	Tuesday, March 17, 1981	2:00 p.m.
LB 533	Monday, March 23, 1981	6:30 p.m.
LB 442	Monday, March 23, 1981	6:30 p.m.
LB 249	Monday, March 23, 1981	6:30 p.m.

(Signed) Samuel K. Cullan, Chairperson

Miscellaneous Subjects

Governor's Appointment
Mr. Ray Simmons - Friday, February 20, 1981 1:30 p.m.
Political Accountability and Disclosure Commission

(Signed) Elroy M. Hefner, Chairperson

MESSAGES FROM THE GOVERNOR

October 22, 1980

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Nebraska Investment Council, requiring legislative confirmation.

Gwen Hershberger, 715 Park Avenue, Milford 68405, term expiring September 13, 1985.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Gwen Hershberger
Committee on Committees
Nebraska Investment Council

November 4, 1980

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Nebraska Arts Council requiring legislative confirmation. All terms expire September 2, 1983:

Reappointment
  Irving Dana, 400 Essex Court, Omaha 68112
Appointments
  Phyllis Acklie, 2200 Woodsdale, Lincoln 68502, succeeding Barbara Doyle, term expired;
  Dick Davis, 224 South 108th Avenue, Omaha 68154, succeeding Richard Westin, term expired;
  Lois Roskens, 5930 Norman Road, Lincoln 68512, succeeding Mrs. David Dow, term expired;
  Jeanne Smith, Gordon 69343, succeeding Diane Bridge, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: All appointeees
Committee on Committees
Nebraska Arts Council

November 21, 1980

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the State Board of Health, all terms expiring September 14, 1983, and requiring legislative confirmation:

Reappointments

Warren Bosley, M.D., 418 West Division, Grand Island 68801.
George F. Sullivan, 1535 North 62nd Street, Lincoln, 68505.
Phyllis Smith, 3863 South 100th Avenue, Omaha 68124.

Appointments

John Estabrook, 8303 Dodge, Omaha 68114, succeeding Rex Kelly, term expired.
Julian H. Hopkins, P.O. Box 81883, Lincoln, 68501, succeeding Loren Belker, term expired.
Dr. David Kats, 2845 South 70th, Lincoln, 68506, succeeding Dr. Howard Nelson, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: All appointees
Committee on Committees
State Board of Health

November 21, 1980

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Board of Educational Lands and Funds, requiring legislative confirmation :

Ed Narjes, R.R 2, Box 40, Sidney 69162, term expiring October 1, 1985, succeeding Tom Allington, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Ed Narjes
Committee on Committees
Board of Educational Lands and Funds

December 17, 1980

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council:

Richard Beermann, Dakota City 68731, term expiring June 22, 1983, succeeding Mel Beermann, deceased.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Richard Beermann
Committee on Committees
Department of Environmental Control

January 23, 1981

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Personnel Board, requiring legislative confirmation:

Betty Majors, Osceola 68651, term expiring August 4, 1985, succeeding Richard Person, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Betty Majors
Committee on Committees
Department of Personnel

February 2, 1981

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Game and Parks Commission, requiring legislative confirmation:

Charles E. Wright, 1900 First National Bank Building, Lincoln, 68508, term expiring January 15, 1986, succeeding Richard Nisley, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Charles Wright
Game and Parks Commission

February 2, 1981

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Power Review Board, requiring legislative confirmation:

Reappointment:

Richard Wood, 3835 Holdrege, Lincoln 68583, term expiring January 1, 1985;

Appointments:

Ed Burke, Imperial 69033, term expiring January 1, 1985, succeeding Jack Lederman, term expired;

B. T. Friedrichsen 1570 33rd Avenue, Columbus 68601, term expiring January 1, 1982, succeeding Paul Dutton, resigned.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: All appointees
Power Review Board

February 2, 1981

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Board of Trustees of Nebraska State Colleges, requiring legislative confirmation:

Reappointment:
J. Alan Cramer, Wayne 68787, term expiring January 1, 1987;
Appointment:
Carroll Thompson, 2601 North 27th Street, Lincoln 68504, term expiring January 1, 1987, succeeding Murl Mauser, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: J. Alan Cramer
Carroll Thompson
Board of Trustees of Nebraska State Colleges

VISITORS

Visitors to the Chamber were 35 eleventh and twelfth grade students and teachers from Wheeler Central High School, Bartlett; 50 ladies of Nebraska Federation of Woman's Clubs from all over Nebraska; Dean Rasmussen, Norman Smith, Leon Koehlmoss, Rudy Kokes, Richard Beran; and guests from Nigeria: Joshua Ademakinwa, Jokotade Adeyemi-Wilson, Veronica Adunuga, Festus Akintayo, Okon Akpabio, Haliru Aliyu, Modupe Albert, Umaru Alkaleri, Emeka Chukwujindu, J.A.F. Chuhwurah, Rahila Cudjoe, Esai Dangobar, Jude Efuribe, Cres Ejionueme, Benjamin Enahoro, Victor Enape, R.A. Faba, Abdullahi Ibrahim, Abu Ibrahim, Bashir Ibrahim, N.I. Ikani, Fati Imam, John Ikebude, Ahmen Kagara, Andrew Kayode, Michael

Maduemezia, Haruna Mohammed, Ibrahim Mohammed, J.K. Obasa, Joseph Obianwu, P.J. Obinna, Boniface Ogbah, J.A. Okalalu, Lawal Shehu, Grace Sule, Sunday Tapgun, Danladi Usman, and Niniola Adefesobi.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Dworak, the Legislature adjourned until 9:00 a.m., Thursday, February 5, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 5, 1981

LEGISLATIVE JOURNAL

NINETEENTH DAY - FEBRUARY 5, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 5, 1981

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rabbi Mark J. Bisman, Tifereth Israel Synagogue, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, Wagner, and Warner who were excused; and Mrs. Labedz, Messrs. Cullan, Fenger, Newell, Schmit, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 156. Placed on Select File as amended.
E & R amendment to LB 156:
1. In the title, line 5, strike "and"; and in line 6 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 28. Placed on Select File.
LEGISLATIVE BILL 29. Placed on Select File.

LEGISLATIVE BILL 42. Placed on Select File as amended.
E & R amendments to LB 42:
1. In the title, line 5, insert "25-1916," after the second comma.
2. On page 27, line 15, and in the title, line 21,

strike "30-1601" and insert "30-1602".

(Signed) Karen Kilgarin, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolutions: LB's 1, 2, 60, 71, 57, 141, LR 4, LR 9, LR 10, LR 13, and LR 14.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bill 543 and legislative resolution 12.

Legislative bill 526 was re-referred to the Government, Military and Veterans Affairs Committee.

The Legislative Council Executive Board also submits the attached Reference Report No. 2, Governor's Appointments.

LB	**Committee**
543	Banking, Commerce and Insurance

LR	**Committee**
12	Banking, Commerce and Insurance

Governor's Appointments - Reference

Agriculture and Environment
Richard Beermann, Environmental Control Council

Banking, Commerce and Insurance
Gwen Hershberger, Nebraska Investment Council

Constitutional Revision and Recreation
Charles E. Wright, Game and Parks Commission

Education
J. Alan Cramer
Board of Trustees of Nebraska State Colleges
Ed Narjes, Board of Educational Lands and Funds
Carroll Thompson
Board of Trustees of Nebraska State Colleges

Government, Military and Veterans Affairs
Betty Majors, State Personnel Board

Miscellaneous Subjects
Phyllis Acklie, Nebraska Arts Council
Irving Dana, Nebraska Arts Council
Dick Davis, Nebraska Arts Council
Lois Roskens, Nebraska Arts Council
Jeanne Smith, Nebraska Arts Council

Public Health and Welfare
Warren Bosley, MD, State Board of Health
John Estabrook, State Board of Health
Julian H. Hopkins, State Board of Health
Dr. David Kats, State Board of Health
Phyllis Smith, State Board of Health
George F. Sullivan, State Board of Health

Public Works
Ed Burke, Power Review Board
B. T. Friedrichsen, Power Review Board
Richard Wood, Power Review Board

(Signed) Howard Lamb, Chairman
Legislative Council Executive Board

REPORT

Received report from Thurston County Sheriff's Department pursuant to section 23-362.

GENERAL FILE

LEGISLATIVE BILL 165A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 4 nays, 11 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 178. Title read. Considered.

Mr. Goodrich renewed his pending amendments, Req. #2029 found in the Journal on page 404 for the Seventeenth Day.

The amendments were adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 140. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 37. Title read. Considered.

Standing Committee amendment found in the Journal on page 381 for the Fifteenth Day was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

MR. CLARK PRESIDING

LEGISLATIVE BILL 30. Title read. Considered.

Standing Committee amendments found in the Journal on page 410 for the Fifteenth Day were adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Newell asked unanimous consent to withdraw his pending amendment found in the Journal on page 410 for the Seventeenth Day. No objections. So ordered.

Mr. Newell offered the following amendment:

1. On page 4, line 3, after "petition", insert ", filed before January 1, 1982,".

SPEAKER MARVEL PRESIDING

The Newell amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 5 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 130. Title read. Considered.

Standing Committee amendment found in the Journal on page 385 for the Sixteenth Day was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 27. Title read. Considered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 3 nays, and 14 not voting.

Advanced to E & R for Review with 31 ayes, 2 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 82. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 45. Title read. Considered.

Messrs. Chambers and V. Johnson renewed their pending amendments, Req. #2034 found in the Journal on page 417 for the Eighteenth Day.

MR. CLARK PRESIDING

Mrs. Pirsch moved for the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

SPEAKER MARVEL PRESIDING

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 26:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Clark
Cullan
DeCamp
Dworak
Fenger
Fowler
Higgins
Hoagland
Johnson, V.
Koch
Labedz
Landis
Marsh
Marvel
Newell
Remmers
Rumery
Vickers
Wesely
Wiitala

Voting in the negative, 20:

Cope
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Kilgarin
Kremer
Lamb
Maresh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Schmit
Sieck
Stoney
Von Minden

Excused and not voting, 3:

Carsten
Wagner
Warner

The Chambers - V. Johnson pending amendments were adopted with 26 ayes, 20 nays, and 3 excused and not voting.

Mr. Chambers offered the following amendment:
To return LB 45 to the Reference Committee for referral to an appropriate committee for public hearing.

The Chair declared the Call raised.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Chambers amendment lost with 21 ayes, 16 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Remmers moved to reconsider their action on the Chambers - V. Johnson amendment.

The Remmers motion prevailed with 26 ayes, 8 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Remmers offered the following amendment:
Strike the Chambers - V. Johnson amendment.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

The Remmers amendment was adopted with 25 ayes, 13 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 24 in the Journal. No objections. So ordered.

Amend the Committee amendment to read Class IV instead of Class V.

Messrs. Koch and Hoagland asked unanimous consent to print the following amendments to LB 143 in the Journal. No objections. So ordered.

Amendments to Committee Amendment to LB 143

1. In the committee amendments, on page 1, lines 3, 12, and 21, before the underscored period insert "other than a freeway located within the corporate limits of a city of the metropolitan class".

2. On page 3, before line 1 insert the following new subdivision: "(d) Fifty-five miles per hour upon any freeway located within the corporate limits of a city of the metropolitan class;"; in line 1 strike "(d)" and insert "~~(d)~~ (e)"; and in line 4 strike "(e)" and insert "~~(e)~~ (f)".

3. On page 4, after line 4 insert the following new subdivision: "(d) Fifty-five miles per hour upon any freeway located within the corporate limits of a city of the metropolitan class;"; in line 5 strike "(d)" and insert "~~(d)~~ (e)"; in line 9 strike "(e)" and insert "~~(e)~~ (f)"; and in line 13 strike "(f)" and insert "~~(f)~~ (g)".

4. On page 5, after line 2 insert the following new subdivision: "(d) Fifty-five miles per hour upon any freeway located within the corporate limits of a city of the metropolitan class;"; in line 3 strike "(d)" and insert "~~(d)~~ (e)"; in line 7 strike "(e)" and insert "~~(e)~~ (f)"; in line 11 strike "(f)" and insert "~~(f)~~ (g)"; and in line 14 strike "(g)" and insert "~~(g)~~ (h)".

5. In the committee amendments, on page 4, line 9, after (c) insert an underscored comma; in line 10 strike the first "or" and show as stricken, after the first "(d)" insert ",or (e)", and strike the final "or" and show as stricken; and in line 11 after the first comma insert "or (f),", strike the first "or" and show as stricken, and after the second "(e)," insert "or (f),".

UNANIMOUS CONSENT - Member Excused

Mr. Kremer asked unanimous consent to be excused Friday, February 6, 1981. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 299	Tuesday, February 17, 1981	1:30 p.m.
LB 412	Tuesday, February 17, 1981	1:30 p.m.
LB 486	Tuesday, February 17, 1981	1:30 p.m.
LB 3	Monday, February 23, 1981	1:30 p.m.
LB 117	Monday, February 23, 1981	1:30 p.m.
LB 300	Monday, February 23, 1981	1:30 p.m.
LB 343	Monday, February 23, 1981	1:30 p.m.
LB 153	Tuesday, February 24, 1981	1:30 p.m.
LB 177	Tuesday, February 24, 1981	1:30 p.m.
LB 352	Tuesday, February 24, 1981	1:30 p.m.
LB 6	Wednesday, February 25, 1981	1:30 p.m.
LB 102	Wednesday, February 25, 1981	1:30 p.m.
LB 103	Wednesday, February 25, 1981	1:30 p.m.
LB 306	Wednesday, February 25, 1981	1:30 p.m.
LB 397	Wednesday, February 25, 1981	1:30 p.m.
LB 481	Wednesday, February 25, 1981	1:30 p.m.
LB 515	Wednesday, February 25, 1981	1:30 p.m.
LB 25	Monday, March 2, 1981	1:30 p.m.
LB 62	Monday, March 2, 1981	1:30 p.m.
LB 233	Monday, March 2, 1981	1:30 p.m.
LB 360	Monday, March 2, 1981	1:30 p.m.
LB 88	Tuesday, March 3, 1981	1:30 p.m.
LB 332	Tuesday, March 3, 1981	1:30 p.m.
LB 479	Tuesday, March 3, 1981	1:30 p.m.
LB 453	Wednesday, March 4, 1981	1:30 p.m.
LB 467	Wednesday, March 4, 1981	1:30 p.m.
LB 480	Wednesday, March 4, 1981	1:30 p.m.
LB 304	Monday, March 9, 1981	1:30 p.m.
LB 454	Monday, March 9, 1981	1:30 p.m.
LB 506	Monday, March 9, 1981	1:30 p.m.
LB 135	Tuesday, March 10, 1981	1:30 p.m.
LB 219	Tuesday, March 10, 1981	1:30 p.m.
LB 373	Tuesday, March 10, 1981	1:30 p.m.

LB 278	Wednesday, March 11, 1981	1:30 p.m.
LB 374	Wednesday, March 11, 1981	1:30 p.m.
LB 393	Wednesday, March 11, 1981	1:30 p.m.
LB 438	Wednesday, March 11, 1981	1:30 p.m.

(Signed) Calvin F. Carsten, Chairperson

Rules

Proposed rule change by Senator Lamb (page 260 in the Journal) to amend Rule 7, Sec. 1.

Wednesday, February 18, 1981	12:00 noon

(Signed) Don Wesely, Chairperson

Judiciary

LB 541	Tuesday, March 17, 1981	1:30 p.m.

(Signed) William E. Nichol, Chairperson

Government, Military and Veterans Affairs

LB 315	Thursday, March 5, 1981	1:30 p.m.
LB 310	Thursday, March 5, 1981	1:30 p.m.
LB 492	Thursday, March 5, 1981	1:30 p.m.
LB 526	Thursday, March 5, 1981	1:30 p.m.
LB 70	Friday, March 6, 1981	1:30 p.m.
LB 418	Friday, March 6, 1981	1:30 p.m.
LB 407	Friday, March 6, 1981	1:30 p.m.
LB 488	Thursday, March 12, 1981	1:30 p.m.
LB 209	Thursday, March 12, 1981	1:30 p.m.
LB 127	Thursday, March 12, 1981	1:30 p.m.
LB 536	Friday, March 13, 1981	1:30 p.m.
LB 537	Friday, March 13, 1981	1:30 p.m.

(Signed) Martin Kahle, Chairperson

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 33. Placed on General File.

LEGISLATIVE BILL 122. Indefinitely postponed.

(Signed) David Landis, Chairperson

Judiciary

LEGISLATIVE BILL 96. Placed on General File.
LEGISLATIVE BILL 120. Placed on General File.

(Signed) William E. Nichol, Chairperson

ANNOUNCEMENTS

Speaker Marvel announced that full day sessions will commence Monday, March 23, 1981.

MEMORANDUM

TO: The Membership of the 1981 Unicameral
FROM: Senator Richard D. Marvel, Speaker
RE: Rule 5, Section 6

Because of the adoption of the Priority Bill System, as embodied in Rule 5, Section 6, there are certain operating procedures that must be followed in order to insure compliance with the Rule. I suggest and recommend the following procedure:

1. Each individual member is entitled to one (1) Priority Bill designation. Each Standing Committee is entitled to two (2) Priority Bill designations. These designations must occur no later than the 45th Legislative Day which, under our present calendar, will be Tuesday, March 17, 1981.
2. Upon each legislator, or committee, determining his or her priority bill or bills, notice should be provided to the Speaker's Office. An announcement will be made in the Legislative Journal regarding priority bill designation.
3. Once notice is received, a letter to the Committee Chair will be directed to him or her, advising them of the particular bill's designation as a priority bill.
4. Once so notified, the Chairperson is required to set the bill for public hearing" ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree."

5. Assuming the bill reaches the full Legislature for consideration, priority bills shall generally be considered ahead of all other bills at each stage of debate.

I would propose that this policy be our operating policy with respect to the priority bills. I also would suggest that if you have concerns or comments, you should contact my office.

VISITORS

Visitors to the Chamber were Bob Leach from Aurora; Arlo Wirth from Hartington; Frank Palmer from Omaha; Gaylord Lacey from Grant; Webb Warren from Gretna; James Nelson from Norfolk; Margaret Moylan; Chris Rosenberg from North Platte; Harris Holle from Deshler.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Schmit, the Legislature adjourned until 9:00 a.m., Friday, February 6, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 6, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
February 6, 1981

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Edward H. Kolbe, Pastor of the First Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Dworak, Carsten, Newell, and Warner who were excused; and Mrs. Labedz, Messrs. Burrows, Fowler, Hoagland, Kremer, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 443, line 15, strike "410" and insert "381".
The Journal for the Nineteenth Day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 5, 1981, at 1:58 p.m., were the following bills: 1, 2, 60, 71, 57, and 141.

(Signed) Hazel Kaltenberger, Enrolling Clerk

ATTORNEY GENERAL'S OPINION

Opinion No. 7
January 26, 1981

Dear Senator Haberman:

By letter dated January 19, 1981, you requested an opinion from this office as to the constitutionality of LB 226 which has been introduced for consideration by the current Legislature and which would authorize the state, working through the Department of Environmental Control, to regulate water well and water pump installation contractors. More specifically, it appears to us that you wanted us to review the role the Nebraska Well Drillers' Association, a private entity, would play in the licensing of water well and pump installation contractors were LB 226 to be enacted.

Essentially, LB 226 would require each water well or pump installation contractor seeking a license to make initial application to the Association. While the approval of the application by the Association appears to be necessary before the application can be sumbitted for final action to the Department of Environmental Control, the bill sets out no standards or criteria for approval to be applied by the Association. Apparently, the approval process is to be left entirely to its discretion. We find this arrangement to be constitutionally impermissible.

One of the most fundamental principles of a constitutional form of government is that legislative power cannot be delegated by the Legislature to private entities. This principle has been confirmed in a long line of cases by the Nebraska Supreme Court which began as early as 1924. Elliott v. Wille, 112 Neb. 86, 200 N.W. 347 (1924). It is our view that allowing the Nebraska Well Drillers' Association to play the role contemplated by LB 226 in the licensing of water well and pump installation contractors would effect the kind of delegation of power the Nebraska Constitution will not permit.

Additionally, notwithstanding that Association approval would be a condition precedent to applying for the actual license to the Department of Environmental Control, the bill's lack of any standards or criteria to be applied by the Association in its initial approval process is even more conspicuous. It is our view that the potential for arbitrary treatment under this provision, and its vagueness and uncertainty as well, also render it constitutionally void.

It occurs to us that LB 226 would give to the Association virtual control over entry into the trade or business of water well and pump installation contracting. We conclude that the bill thereby would bestow on the Association a special privilege, the kind of which is prohibited by Article III, Section 18, of the Nebraska Constitution. Moreover, while the regulation of water well and pump installation contractors might reflect a valid public purpose in general, the regulation inherently would interfere with one's pursuit of a particular trade or business which is constitutionally permitted only where the interference is fair, reasonable, and is not arbitrary or capricious.

Since the Association would not be required to apply any reasonable standards or criteria in its approval of prospective licensees, we are of the view that a prospective applicant is not provided the kind of due process safeguards with respect to the interference in his or her pursuit of a lawful trade or business which is required by the Fourteenth Amendment of the United States Constitution, and by Article I, Sections 1, 3, 16, and 25, of the Nebraska Constitution.

With respect to your concern about possible antitrust implications of LB 226, we can be less definitive. We do feel that to the extent the bill would effectively grant to the Association monopolistic control over the entry into water well and pump installation contracting, as we think it would, the climate would be much more ripe for possible antitrust violations than otherwise would be the case.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Shanler D. Cronk
Assistant Attorney General

SDC:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 43. Placed on Select File as amended.
E & R amendments to LB 43:

1. On page 21, lines 2 and 3, strike ". The director" and insert "but" and remove paragraphing.

2. On page 48, line 4, insert an underscored comma after "section".

3. On page 53, line 19, insert an underscored comma after "may"; and in line 26, strike the first "subsection" and insert "subdivision".

LEGISLATIVE BILL 46. Placed on Select File as amended.
E & R amendments to LB 46:

1. On page 6, insert an underscored comma at the end of line 22.

2. Insert a new section to read:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. In the title, insert "and section 60-407, Revised Statutes Supplement, 1980," at the end of line 3; in line 6 strike

"and" and insert "to increase a fee;"; and in line 7 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 81. Placed on Select File as amended.
E & R amendment to LB 81:

1. In the title, lines 4 and 5, strike "section 2-3213" and insert "sections 2-3213 and 46-631"; in line 7 insert "to reduce the tax authorized;" after the semicolon; in line 8 strike the second "an"; in line 9 strike "date" and insert "dates"; and in line 13 insert ", as amended by section 2 of this act" after "1980".

SELECT FILE

LEGISLATIVE BILL 15. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 16. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 165. Mr. Beutler offered the following amendment:

Req. #2039

1. Strike original section 1 and insert a new section as follows:

"Section 1. That section 79-4,106.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-4,106.02. (1) Upon receipt of an application pursuant to section 79-4,106.01, the board of education shall inquire of the proposed receiving district if it is willing to receive the pupil. If the proposed receiving district is willing to do so and the school which the pupil would attend is accredited, and the conditions of section 79-4,106.03 have been met, the board of education may authorize such attendance if it determines such action to be in the best interest of the pupil.

(2) Any parent or guardian of a pupil who is aggrieved by a decision of the board of education made pursuant to this section may appeal such decision to the district court of the county in which all or the larger portion of the school district is located. If the district court determines that it would be in the best interest of such pupil to attend a school outside the State of Nebraska, fifty per cent of the high school tuition for such student shall be paid by the State Department of Education from funds budgeted and appropriated for such purpose.".

2. On page 3, line 5, after "section" insert "79-4,106.02, Reissue Revised Statutes of Nebraska, 1943, and also section"; and in line 6 strike "is" and insert "are".

Mr. Beutler requested a roll call vote.

Voting in the affirmative, 13:

Barrett
Beutler
Cullan
DeCamp
Goodrich
Johnson, V.
Landis
Maresh
Marsh
Pirsch
Stoney
Vickers
Von Minden

Voting in the negative, 25:

Beyer
Burrows
Chronister
Clark
Cope
Fenger
Fitzgerald
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Labedz
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Wagner
Wiitala

Present and not voting, 3:

Chambers
Marvel
Wesely

Excused and not voting, 8:

Carsten
Dworak
Fowler
Kremer
Newell
Schmit
Sieck
Warner

The Beutler amendment lost with 13 ayes, 25 nays, 3 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 185. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 187. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 238. E & R amendment found in the Journal on page 413 for the Eighteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 244. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 92. E & R amendment found in the Journal on page 414 for the Eighteenth Day was adopted.

Mr. Fenger offered the following amendment:

1. On page 2, line 6, insert "by the board" after "appointed".

The amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 199. E & R amendment found in the Journal on page 414 for the Eighteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 170. E & R amendments found in the Journal on page 414 for the Eighteenth Day were adopted.

Advanced to E & R for Engrossment.

EXPLANATION OF VOTE

Had I been present on February 4, 1981, I would have voted "aye" on LB's 1, 2, 60, 71, 57, and 141 on final reading.

(Signed) Peter Hoagland

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 31. Placed on General File as amended. Standing Committee amendment to LB 31:

1. On page 2, reinstate the stricken matter in lines 18 through 22; in line 22 after the reinstated "ordinance" insert an underscored period; and strike beginning with the first "of" in line 22 through the period in line 24.

LEGISLATIVE BILL 85. Placed on General File as amended. Standing Committee amendment to LB 85:

1. On page 2, line 19, after "bus" insert "at times other than during the normal school day or on days when school is not in session if all costs incurred by such municipality or county are paid for with money generated from passenger fees or federal or state funds"; and in line 22, after the period insert "No school district shall be liable for any damages to any person riding in a school bus pursuant to this section, unless such damage is proximately caused by the gross negligence of the school district. No school district shall be required to modify or alter any school bus because of a contract entered into pursuant to this section.".

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 41. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 18. Title read. Considered.

Standing Committee amendment found in the Journal on page 400 for the Seventeenth Day was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

SPEAKER MARVEL PRESIDING

Advanced to E & R for Review with 35 ayes, 2 nays, 6 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 121. Title read. Considered.

Standing Committee amendment found in the Journal on page 400 for the Seventeenth Day was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 14. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 51. Title read. Considered.

Standing Committee amendments found in the Journal on page 401 for the Seventeenth Day were adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 64. Title read. Considered.

Standing Committee amendments found in the Journal on page 414 for the Eighteenth Day were adopted with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 28 ayes, 1 nay, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 65. Title read. Considered.

Standing Committee amendment found in the Journal on page 416 for the Eighteenth Day was considered.

Mr. Beutler moved for a Call of the House. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

MR. CLARK PRESIDING

Mr. Beutler requested a roll call vote.

Voting in the affirmative, 18:

Barrett
Beutler
Beyer
Burrows
Chronister
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Pirsch
Rumery
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 15:

Cope
Cullan
DeCamp
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Maresh
Nichol
Peterson, H.
Schmit
Sieck
Von Minden
Wagner

Present and not voting, 10:

Chambers
Clark
Fenger
Fitzgerald
Goll
Goodrich
Marsh
Marvel
Peterson, R.
Remmers

Excused and not voting, 6:

Carsten
Dworak
Fowler
Kremer
Newell
Warner

The Standing Committee amendment lost with 18 ayes, 15 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 24. Title read. Considered.

Standing Committee amendments found in the Journal on page 423 for the Eighteenth Day were considered.

Mr. Haberman asked unanimous consent to withdraw his pending amendment found in the Journal on page 446. No objections. So ordered.

Mr. Haberman offered the following amendment:

Amendment to Committee amendment to LB 24

1. In the last line of committee amendment 1 strike "V" and insert "IV".

MR. CLARK PRESIDING

The Haberman amendment to the Standing Committee amendments was adopted with 16 ayes, 0 nays, 27 present and not voting, and 6 excused and not voting.

Mr. DeCamp offered the following amendment:

Amend the Committee amendments to LB 24, on page 423 of the Journal. In the second line of section 1, after the word "diverts" insert the words ", or is capable of diverting,".

The amendment was adopted with 18 ayes, 0 nays, 25 present and not voting, and 6 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Cullan offered the following amendment:

To indefinitely postpone LB 24.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 3 nays, and 25 not voting.

The Cullan amendment lost with 7 ayes, 24 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 6 nays, 11 present and not voting, and 6 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

Governor's Appointment
Gwen Hershberger - March 9, 1981 1:30 p.m.
Nebraska Investment Council

LB 543	Monday, March 9, 1981	2:00 p.m.
LR 12	Monday, March 9, 1981	2:30 p.m.

(Signed) John DeCamp, Chairperson

Constitutional Revision and Recreation

LB 534	Thursday, February 26, 1981	1:30 p.m.
LB 535	Thursday, February 26, 1981	1:30 p.m.
LB 539	Friday, February 27, 1981	1:30 p.m.

(Signed) Bernice Labedz, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 336A. By Koch, 12th District.
This bill introduced on behalf of: LB 336.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 336, eighty-seventh Legislature, First Session, 1981.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 5, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Brakenhoff, Loren - Lincoln, Citizens for Equity in Taxation
Daugherty, Shirley - Lincoln, Nebraska Association of Public Employees
Gunderson, Fred L. - Lincoln, Nebraska Association of Public Employees
Kissel, Gordon - Lincoln, Nebraska Association of Resources Districts
Noren and Burns:
  Noren, Charles F. - Lincoln, Municipal Court Constable Association; OUR Homes
Olson, Merle - Ceresco, Farmers Union of Nebraska
Rasmussen, Dennis - Lincoln, Jerry Milder
Ryan, James E. - Lincoln, Nebraska Agri-Business Coalition
Stines, Marilyn A. - Lincoln, Nebraska Association of Public Employees
Young, Malcolm D. - Omaha, Eastern Nebraska Heavy Contractors Association

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 188. Placed on General File.
LEGISLATIVE BILL 234. Placed on General File.

(Signed) Richard Maresh, Chairperson

Public Works

LEGISLATIVE BILL 110. Placed on General File.

LEGISLATIVE BILL 8. Placed on General File as amended.
Standing Committee amendments to LB 8:

1. On page 2, strike beginning with the underscored comma in line 3 through “hindrances” in line 5 and insert “is a hindrance”; strike beginning with “To” in line 12 through line 15; and in line 16 strike “sections 1 to 15 of”.

2. On page 3, line 4, after the underscored semicolon insert “and”; in line 8 after “any” insert “beneficial”; in line 11 strike “; and”, and insert a period; and strike lines 12 through 21.

3. On page 4, line 5, after “claimant” insert “for a beneficial purpose”; in line 7 after “claimant” insert “for a beneficial purpose”; in line 10 after “The” insert “beneficial”; and in line 13 after “used” insert “for a beneficial purpose”.

4. On page 5, line 13, after “claimant” insert “for a beneficial purpose”.

5. Strike sections 7 through 16.

6. Delete all underscoring.

LEGISLATIVE BILL 109. Placed on General File as amended.
Standing Committee amendments to LB 109:
Req. #2049

1. Insert a new section as follows:

"Sec. 2. That section 46-701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-701. The Director of Water Resources shall be qualified by training and ~~business~~ experience to manage and supervise the department~~. He shall be a professional engineer as defined in section 81-840,~~ and shall have had at least five years' experience in a position of responsibility in ~~irrigation~~ work related to water resources.".

2. On page 3, line 12, strike "2" and insert "3", strike "section" and insert "sections", and after "46-209" insert "and 46-701"; and in line 13 strike "is" and insert "are".

3. Insert a new sections as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Chris Beutler, Vice Chairperson

LEGISLATIVE BILL 143. Title read. Considered.

Standing Committee amendments found in the Journal on page 423 for the Eighteenth Day were considered.

Mr. Chambers offered the following amendment:
Amend committee amendments #1, #2, #3: strike "60" & reinsert "65".

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Chambers amendment was adopted with 27 ayes, 12 nays, 4 present and not voting, and 6 excused and not voting.

Standing Committee amendments to LB 143 pending.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 34. Placed on General File as amended. Standing Committee amendment to LB 34:

1. On page 4, line 20, strike "bidder has complied" and insert "bid is in conformance".

2. On page 5, line 9, before "Money" insert "(1)"; in line 21, before "Money" insert "(2)"; and in line 24, before "In" insert "(3)".

(Signed) Chris Beutler, Vice Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendments to LB 211 in the Journal. No objections. So ordered.

Req. #2051

1. Insert a new section as follows:

"Section 1. That section 77-2715, Revised Statutes Supplement, 1980, be amended to read as follows:

77-2715. (1) A tax is hereby imposed for each taxable year on the entire income of every resident individual of this state and on the income of every nonresident individual of this state which is derived from sources within this state. The tax shall be a flat percentage of, for each resident individual, the taxpayer's adjusted federal income tax liability for the taxable year, and for each nonresident individual, the taxpayer's adjusted federal income tax liability for the taxable year which is attributable to income derived from sources within this state.

The taxpayer's adjusted federal income tax liability shall be the amount of federal income tax, as determined under Subtitle A, Chapter I, subchapter A, Parts I, V, and VI of the Internal Revenue Code, for which the taxpayer would have been liable if such taxpayer had paid federal income tax based on federal taxable income as adjusted by the modifications provided in section 77-2716 without any allowance for credits against such tax permitted under the Internal Revenue Code.

The adjusted federal income tax liability of each nonresident individual taxpayer which is attributable to income derived from sources within this state shall be determined by multiplying his or her adjusted federal income tax liability by a fraction, the numerator of which is his or her taxable income derived from sources within this state as determined by section 77-2733, and the denominator of which is his or her total federal taxable income, after first subtracting from each the amounts provided in subsection (1) of section 77-2716; Provided, that if the above determination attributes more or less federal income tax than is reasonably attributable to income derived from sources within this state, the taxpayer may petition for, or the Tax Commissioner may require, the employment of any other method to attribute an amount of federal income tax which is reasonable and equitable in the circumstances.

(2) (a) A resident of this state shall mean an individual who is domiciled in Nebraska or who maintains a permanent place of abode in this state and spends in the aggregate more than six months of the taxable year in this state; and

(b) A nonresident shall mean an individual who is not a resident of this state.

(3) (a) There shall also be allowed to resident individuals as a credit against the tax imposed by sections 77-2714 to 77-27,135, a food sales tax credit equal to twenty-eight dollars multiplied by the number of allowable personal exemptions claimed for individuals who are residents, exclusive of the extra exemptions allowable for age or blindness. In the event a dependent is claimed as an exemption on a federal return by a nonresident taxpayer who files no return in this state, such dependent resides in this state, and the support claimed by such nonresident taxpayer is substantially spent in this state, the taxpayer in this state who has legal custody of such dependent may claim such food sales tax credit for each such dependent. A refund shall be allowed to the extent that the food sales tax credit exceeds the income tax payable by the resident individual for the taxable year but no refund shall be made in any amount less than two dollars.

(b) No individual who may be claimed as a personal exemption on another individual's return shall be entitled to a food sales tax credit or refund for himself or herself. If a food sales tax credit or refund is claimed on more than one return for the same individual, the Tax Commissioner is authorized to determine the individual entitled to claim the credit or refund provided herein.

(c) Any individual, other than a person who for more than six months of the taxable year is a resident patient or inmate of a public institution or an organization exempt from tax as a charitable institution, who maintains a permanent place of abode within this state, spending in the aggregate more than six months of the taxable year within this state, shall be conclusively presumed to have paid or paid with respect to such personal exemptions retail sales and use taxes imposed by this state equal to the maximum food sales tax credit allowable.

(d) The credits or refunds for sales taxes allowed by this subsection shall be claimed on income tax returns or in the case of an individual not having tax liability in this state on such forms or claims for refunds as the Tax Commissioner shall prescribe.

(4) Credits to minors, including any child whose parent or guardian is a recipient of aid to dependent children, shall be claimed by the parent or guardian.

(5) There shall also be allowed to resident individuals as a credit against the tax imposed by sections 77-2714 to 77-27,135, a utilities sales tax credit equal to four dollars multiplied by the number of allowable personal exemptions claimed for individuals who are residents, exclusive of the extra exemptions allowable for age or blindness. A refund shall be allowed to the extent that the utilities sales tax credit exceeds the income tax payable by the resident individual for the taxable year but no refund shall be made in any amount less than two dollars. The provisions of this section applicable to the determination of eligibility for the food sales tax credit shall also be applicable to the determination of eligibility for the utilities sales tax credit.".

2. On page 6, line 1, after "sections" insert "77-2715,".

3. Renumber original section 1 to 6 as sections 2 to 7, respectively.

VISITORS

Visitors to the Chamber were Rhonda Jobman, Ann Anderson, and Laura Keiser from Gothenburg; six Webelos Scouts and Mr. and Mrs. Ron Erpelding from Gibbon; and Mr. and Mrs. Larry Baker from Wakefield.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Nichol, the Legislature adjourned until 9:30 a.m., Monday, February 9, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 9, 1981

LEGISLATIVE JOURNAL

TWENTY-FIRST DAY - FEBRUARY 9, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 9, 1981

Pursuant to adjournment, the Legislature met at 9:32 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Loren Mullins, Pastor of Warren United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, Cullan, and Dworak who were excused; and Messrs. Fowler, L. Johnson, V. Johnson, and Newell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 454, after line 10, insert "(Signed) Karen Kilgarin, Chairperson".

The Journal for the Twentieth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 20. Placed on Select File.
LEGISLATIVE BILL 165A. Placed on Select File.

LEGISLATIVE BILL 178. Placed on Select File as amended.
E & R amendments to LB 178:

1. On page 8, line 23, strike the comma.
2. On page 9, line 6, insert an underscored comma after "requested".
3. On page 18, line 16, strike the comma; and insert an underscored comma at the end of line 23.
4. On page 24, insert an underscored comma at the end of line 27.

5. On page 26, line 4, strike the comma.
6. On page 27, line 17, strike ", that" and insert "that,".
7. In the title, line 3, strike "and 77-2712" and insert "77-2712, and 77-27,106"; and strike beginning with "the" in line 5 through "use" in line 10 and insert "various".

LEGISLATIVE BILL 140. Placed on Select File.
LEGISLATIVE BILL 37. Placed on Select File.
LEGISLATIVE BILL 30. Placed on Select File.
LEGISLATIVE BILL 130. Placed on Select File.
LEGISLATIVE BILL 27. Placed on Select File.
LEGISLATIVE BILL 82. Placed on Select File.
LEGISLATIVE BILL 45. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 260. Placed on General File as amended.
Standing Committee amendments to LB 260:

1. On page 3, line 23, strike the period, show as stricken and insert ", except that in counties with two hundred thousand inhabitants or more, the"; and reinstate the stricken matter beginning with the first "county"; in line 23 through the period in line 25.
2. On page 4, line 1, after "expenditures" insert "and receipts"; and after "board" insert "on a monthly basis and".
3. Insert the following new section:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 93. Indefinitely postponed.
LEGISLATIVE BILL 108. Indefinitely postponed.

(Signed) Samuel K. Cullan, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 15, 16, 165, 185, 187, 238, 244, 92, 199, and 170.

(Signed) Karen Kilgarin, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 17

February 3, 1981

Dear Senator Chambers:

You inquire as to the legality of paying expenses to legislators at various times. You indicate you have introduced LB 206 which is intended to authorize expenses to be paid to legislators during a legislative session. You do not ask for any opinion of our office on the constitutionality of LB 206. You do ask are expenses (recovery) legal during the interim? May expenses be recovered during the session?

In response to your first question we have in a number of opinions previously advised the Legislature that expenses during the interim may constitutionally be paid. We refer you to Opinion Nos. 60 and 63, Report of the Attorney General, 1959-1960, see attached Opinion Nos. 60, 164 and 178, Report of the Attorney General, 1977-1978. These opinions have substantially set forth the basis upon which this office has in the past advised the Legislature that payment of expenses during the interim between legislative sessions are payable and are not in contravention of Article III, section 7.

The answer to your second question is of course no. The same opinions referred to in answer to your first question also deal with the question of whether or not such payments may be made during the session of the Legislature. Particularly, reference is made to Opinion No. 60, Report of the Attorney General, 1959-1960, referred to above. In that opinion we referred to a 1937 opinion directly on point which was rendered at the time the specific constitutional provision about which you inquire was adopted. That opinion essentially stated that such expenses were not payable during the session and set forth the reasons why. No significant change has been made either by the Legislature or in the Constitution from 1937 to the current date which would in any way alter our opinion.

We therefore reaffirm our previous opinions which have stated that it is unconstitutional for members of the Legislature to receive payment for their expenses incurred during legislative sessions except as those payments are in accordance with Article III, section 7, of the Constitution.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien

Assistant Attorney General

PTO:pjs
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 18
February 5, 1981

Dear Senator Wesely:

By letter dated January 29, 1981, you requested that we respond to a question you raised concerning the constitutionality of a change in the legislative rules which has been proposed. Essentially, the proposed rule change would provide that at the time of adjournment of regular sessions of the Legislature held in odd-numbered years, all bills not otherwise disposed of shall be indefinitely postponed whether or not a motion to that effect has been adopted.

You express concern that such a rule might violate Article III, section 10, of the State Constitution which provides in pertinent part: "Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment." Viewed in light of the language contained in Article III, section 10, the proposed rule does not appear to conflict therewith in our opinion. We note that in your January 29 letter you state that Article III, section 10, provides that any such bills or resolutions shall be considered as if there had been no adjournment, when in fact the language of that constitutional provision provides that such bills and resolutions may be so considered. It strikes us that that error may have resulted in your concern.

Yours truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Shanler D. Cronk
Assistant Attorney General

SDC:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

REPORT

Received report from Department of Roads on their Advertising Control Program in 1980 pursuant to section 39-1320.01 (.02) (.03) R.R.S. 1943.

MOTION - "A" Bill

Mr. Warner renewed his pending motion found in the Journal on page 392.

The motion prevailed with 35 ayes, 2 nays, and 12 not voting.

SELECT FILE

LEGISLATIVE BILL 156. E & R amendment found in the Journal on page 440 for the Nineteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 28. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 29. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 42. E & R amendments found in the Journal on page 440 for the Nineteenth Day were adopted.

Mr. Nichol offered the following amendment:

1. In the committee amendments, on page 1, line 15, strike "thirty days next", show the old matter as stricken, and insert "one month".

The amendment was adopted with 30 ayes, 0 nays, and 19 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 43. E & R amendments found in the Journal on page 453 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 46. E & R amendments found in the Journal on page 453 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 81. E & R amendment found in the Journal on page 454 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendments to LB 207 in the Journal. No objections. So ordered.

Req. #2037

1. On page 2, line 9, strike "seven", show as stricken, and insert "ten"; in line 12, strike "two", show as stricken, and insert "three"; in line 14 strike "four", show as stricken, and insert "five"; in line 15 after "dollars" insert "and fifty cents"; in line 17, strike "five", show as stricken, and insert "eight", after "dollars" insert an underscored period, and strike beginning with "and" through "per cent", show as stricken, and insert "One dollar and seventy-five cents"; and in line 19 after the first comma insert "twenty-five cents of each of the fees for", and after "and" insert "twenty-five cents of each of the fees for".

2. On page 3, line 1, strike "Driver Education", show as stricken, and insert "General", and after "Fund" insert ". Any money available in the Driver Education Fund on the operative date of this act shall be transferred to the General Fund."; strike begining with "established" in line 1 through "60-409.01." in line 2, and show the old matter as stricken; in line 22 strike "On" through "year", show the old matter as stricken, reinstate the comma and insert before the reinstated comma "If money is appropriated from the General Fund"; in line 23 strike "Driver Education Fund", show as stricken, and insert "appropriation"; and in line 24 after "apportioned" insert "on September 1 of each year,".

3. Strike original section 2.

4. On page 4, line 6, after the period insert "Any money available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259."; strike beginning with "In" in line 6 through line 15, and show the old matter as stricken; in line 19 strike "60-409.01, and", and after the second comma insert "60-409.12, and 72-1237.01,"; and in line 20 after the second comma insert "and also section 60-409.01, Reissue Revised Statutes of Nebraska, 1943,".

5. Insert the following new sections:

"Sec. 3. That section 60-409.12, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-409.12. The provisions of sections 60-409.06 to 60-409.13 shall not apply to any person giving driver training lessons under sections 60-409, ~~60-409.01,~~

60-409.02, 60-409.03, and 60-409.04.

Sec. 4. That section 72-1237.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1237.01. As used in sections 72-1237 to 72-1259, this act shall mean and refer to sections 1-111, 2-115, 2-1503.01, 2-1506.11, 2-1547, 2-1808, 2-2317, 2-2501, 3-126, 8-1120, 19-2043, 19-2044, 24-704, 35-601, 37-206, 37-428, 39-7,136, 39-1323.01, 39-1390, 44-116, 44-333.02, 44-707.03, 45-127, 45-165, 48-617, 48-620, 48-621, 54-112, 54-147, 54-150, 54-1173, 55-131, 57-919, ~~60-409.01,~~ 60-446, 60-449, 60-1409, 60-1704, 66-421, 68-301, 68-612, 70-1020, 71-1,132.23, 71-1,147.02, 71-222.02, 71-332, 71-1336, 71-2016, 71-2201, 71-3808, 71-4206, 71-4210, 72-202, 72-716.01, 72-1005, 72-1237 to 72-1260, 79-1247.07, 79-1332, 79-1345, 79-1438.01, 79-1444, 79-1501, 79-1502, 79-1503, 79-1503.01, 79-1545, 79-1556, 79-1557, 79-2107, 80-111, 80-301, 80-401, 81-263.67, 81-275.28, 81-528, 81-812.02, 81-815.30, 81-815.34, 81-815.39, 81-845, 81-880, 81-8,107, 81-8,112, 81-8,162, 81-912, 81-1117, 81-1120.08, 82-108.02, 83-150, 83-169, 83-210.01, 83-304, 84-111, 84-1301, 84-1305, 84-1308, 84-1309, 85-106, 85-113, 85-122, 85-123.01, 85-161, 85-168, 85-170, 85-191, 85-192, 85-195, 85-320, and 85-403.”.

6. Renumber original section 3 as section 2 and original sections 4 to 6 as sections 5 to 7 respectively.

UNANIMOUS CONSENT - Member Excused

Mr. H. Peterson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 143. Title read. Considered.

Mrs. Labedz asked unanimous consent to have her name added to the Hoagland-Koch pending amendments to the Standing Committee amendments to LB 143. No objections. So ordered.

Messrs. Hoagland, Koch, and Mrs. Labedz renewed their pending amendments to the Standing Committee amendments found in the Journal on page 446.

MR. CLARK PRESIDING

Mrs. Marsh asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Hoagland-Koch-Labedz amendments were adopted with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

Mr. Chambers requested a division of the question on the adoption of the Standing Committee amendments to vote on (1), (2), and (3) separately from the rest of the Standing Committee amendments.

The Chair sustained the division.

Mr. Vickers moved for a Call of the House. The motion prevailed with 11 ayes, 3 nays, and 35 not voting.

SPEAKER MARVEL PRESIDING

Mr. Vickers requested a roll call vote.

Voting in the affirmative, 29:

Barrett
Beyer
Burrows
Chambers
Chronister
Clark
Fenger
Goll
Goodrich
Haberman
Higgins
Hoagland
Johnson, L.
Koch
Kremer
Labedz
Landis
Marvel
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Wiitala

Voting in the negative, 14:

Beutler
Cope
DeCamp
Fitzgerald
Hefner
Johnson, V.
Kahle
Kilgarin
Lamb
Maresh
Newell
Schmit
Warner
Wesely

Present and not voting, 1:

Fowler

Excused and not voting, 5:

Carsten
Cullan
Dworak
Marsh
Peterson, H.

The Standing Committee amendments (1), (2), and (3), as amended, were adopted with 29 ayes, 14 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The Standing Committee amendments (4) and (5) were adopted with 31 ayes, 4 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Maresh offered the following amendment:
1 1. Insert a new section as follows:
2 "Sec. 3. The Nebraska State Patrol may utilize
3 vehicles not bearing any identification as law enforcement
4 vehicles to assist in the enforcement of speed limits
5 and other rules of the road in this state.".
6 2. Renumber original section 3 as section 4.
7 3. On page 8, line 19, after the second comma
8 insert "and also section 60-1001.01, Reissue Revised
9 Statutes of Nebraska, 1943,".

MR. CLARK PRESIDING

Mr. Maresh offered the following amendment to his amendment:
Add after state in line 5:
"Provided that unmarked cars shall not be used in stopping vehicles".

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER MARVEL PRESIDING

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Maresh amendment to the Maresh amendment lost with 16 ayes, 21 nays, 5 present and not voting, and 7 excused and not voting.

Mr. Maresh asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. DeCamp offered the following amendment:
Indefinitely postpone LB 143.

Mr. Stoney moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

The DeCamp amendment lost with 18 ayes, 24 nays, 2 present and not voting, and 5 excused and not voting.

Mr. Beutler offered the following amendment:
Amend to adopt a 55 mph speed limit statewide.
Reject all provisions giving the Governor discretion to set the speed limit.

Mr. Goodrich requested a division of the question on the Beutler amendment.

The Chair sustained the division.

Amendments pending.

NOTICE OF COMMITTEE HEARINGS
Public Works

Governor's Appointments
Mark Covert - February 20, 1981 12:00 Noon
Board of Public Roads Classifications and Standards

Diane Gless - February 20, 1981 12:00 Noon
Board of Public Roads Classifications and Standards

Tom Harvat - February 20, 1981 12:00 Noon
Board of Public Roads Classifications and Standards

Ray Lind - February 20, 1981 12:00 Noon
Board of Public Roads Classifications and Standards

William Lindholm - February 20, 1981 12:00 Noon
Board of Public Roads Classifications and Standards

D. J. Erlington (RA) - February 20, 1981 12:00 Noon
Board of Public Roads Classifications and Standards

R. Doyle Hanson (RA) - February 20, 1981 12:00 Noon
Board of Public Roads Classifications and Standards

Don Swing (RA) - February 20, 1981 12:00 Noon
Board of Public Roads Classifications and Standards

Robert Martin - February 20, 1981 12:00 Noon
Motor Vehicle Industry Licensing Board

James H. McDonald - February 20, 1981 12:00 Noon
Motor Vehicle Industry Licensing Board

Sandra Kinsey - February 20, 1981 12:00 Noon
Motor Vehicle Industry Licensing Board

Donald Beltz - February 20, 1981 12:00 Noon
Motor Vehicle Industry Licensing Board

Bob Hinchcliff - February 20, 1981 12:00 Noon
Motor Vehicle Industry Licensing Board

LB 382	Wednesday, March 11, 1981(Cancel)	1:30 p.m.
LB 382	Tuesday, February 17, 1981(Reset)	6:30 p.m.

(Signed) Maurice A. Kremer, Chairperson

Education

LB 208	Tuesday, March 3, 1981(Cancel)	1:30 p.m.
LB 208	Tuesday, March 3, 1981(Reset)	7:00 p.m.
LB 218	Tuesday, February 24, 1981(Cancel)	1:30 p.m.
LB 371	Tuesday, February 24, 1981(Cancel)	1:30 p.m.
LB 316	Monday, March 2, 1981(Cancel)	1:30 p.m.
LB 498	Monday, March 2, 1981(Cancel)	1:30 p.m.
LB 316	Tuesday, February 24, 1981(Reset)	1:30 p.m.
LB 498	Tuesday, February 24, 1981(Reset)	1:30 p.m.
LB 423	Tuesday, February 24, 1981(Reset)	1:30 p.m.
LB 338	Tuesday, March 3, 1981(Reset)	7:00 p.m.
LB 218	Tuesday, March 17, 1981(Reset)	1:30 p.m.
LB 371	Tuesday, March 17, 1981(Reset)	1:30 p.m.
LB 520	Monday, March 16, 1981	1:30 p.m.

LB 319 Tuesday, March 3, 1981(Cancel) 1:30 p.m.

LB 319 Tuesday, March 3, 1981(Reset) 7:00 p.m.

Governor's Appointments
Jim Preston - March 3, 1981 1:30 p.m.
Safety Center Advisory Council

Sam Grimminger - March 3, 1981 1:30 p.m.
Safety Center Advisory Council

Nancy Carr - March 3, 1981 1:30 p.m.
Safety Center Advisory Council

Kenneth Kimball, M.D. - March 3, 1981 1:30 p.m.
Safety Center Advisory Council

Marvin Broman - March 3, 1981 1:30 p.m.
Safety Center Advisory Council

Bud Weiss - March 3, 1981 1:30 p.m.
Safety Center Advisory Council

Don Cattle - March 3, 1981 1:30 p.m.
Safety Center Advisory Council

Ivan Abdouch (RA) - March 3, 1981 1:30 p.m.
Safety Center Advisory Council

Duane E. Schmidt (RA) - March 3, 1981 1:30 p.m.
Safety Center Advisory Council

Rollin Schneider (RA) - March 3, 1981 1:30 p.m.
Safety Center Advisory Council

Larry Morris (RA) - March 3, 1981 1:30 p.m.
Safety Center Advisory Council

Beth Klosterman - March 3, 1981 2:30 p.m.
Coordinating Commission for Postsecondary Education

Robert H. Berkshire - March 3, 1981 2:30 p.m.
Coordinating Commission for Postsecondary Education

Wendell Wood (RA) - March 3, 1981 2:30 p.m.
Coordinating Commission for Postsecondary Education

Dave Martin - March 3, 1981 3:00 p.m.
Board of Trustees of NE State Colleges

J. Alan Cramer - March 3, 1981 3:00 p.m.
Board of Trustees of NE State Colleges

Carroll Thompson - March 3, 1981 3:00 p.m.
Board of Trustees of NE State Colleges

Ed Narjes - March 3, 1981 3:30 p.m.
Board of Educational Lands and Funds

(Signed) Jerry Koch, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 188A. By Nichol, 48th District.
This bill introduced on behalf of: LB 188.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 188, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

LEGISLATIVE BILL 234A. By Maresh, 32nd District.
This bill introduced on behalf of: LB 234.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 234, Eighty-seventh Legislature, First Session, 1981.

ATTORNEY GENERAL'S OPINION

Opinion No. 19
February 5, 1981

Dear Senator Maresh:

We have reviewed LB 518 in accordance with your request dated February 2, 1981. In our opinion the constitutionality of LB 518 is seriously suspect.

Article III, Section 18 of the Nebraska Constitution prohibits the Legislature from passing any special laws granting to any "individual any special or exclusive privileges, immunity or franchise whatever." A law waiving the state's immunity for the benefit of an individual violates this provision. Cox v. State, 134 Neb. 751, 279 N.W. 482. Nor can the Legislature waive the statute of limitations for benefit of a few within a class. Bordy v. State, 142 Neb. 714, 7 N.W.2d 632.

Neb.Rev.Stat. §81-8,236 (Reissue 1976) provides for handling "miscellaneous claims" as follows:

> In addition to the powers, duties, and authority with regard to tort claims imposed by sections 81-8,209 to 81-8,235, the State Claims Board also shall receive and carefully investigate (1) all other claims against the State of Nebraska for the payment of which no money has been appropriated,...

(Emphasis added).

The above statutory provision establishes a class of claims for specific handling by the State Claims Board and Legislature. However, to avoid the constitutional difficulties imposed by Article III, Section 18, the claimant must strictly follow the procedures in Neb.Rev.Stat. §81-8,236 through §81-8,239 (Reissue 1976). For instance, a claim which is properly a tort claim (negligence) probably would not be included within the class established by §81-8,236 since there is an appropriation for payment of tort claims in the tort claims fund. See Neb.Rev.Stat. §81-8,2225 (Reissue 1976). In any event, a special bill for the payment of a claim for one person without following the statutory precedure would appear to contravene Article III, Section 18, of the Nebraska Constitution.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John R. Thompson
Deputy Attorney General

JRT:kkh
cc: Patrick O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Burrows asked unanimous consent to print the following amendment to LB 167 in the Journal. No objections. So ordered.

Amend Standing Committee amendments to LB 167, Req. 2024.

On page 1, line 3, beginning with the semi-colon strike the remainder of line three and line four through the quotation mark after the word fifteen.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 80. Placed on General File.

LEGISLATIVE BILL 104. Placed on General File as amended. Standing Committee amendments to LB 104:

Req. #2052

1. On page 2, line 12, after "alcohol" insert ", excluding denaturant,".

2. Insert the following new sections

"Sec. 2. That section 66-428, Revised Statutes Supplement, 1980, be amended to read as follows:

66-428. In addition to the tax imposed pursuant to sections 66-473, 66-477, and 66-478, there is hereby levied and imposed an excise tax of ten and one half cents per gallon upon the use of all motor vehicle fuels, as defined by section 66-401, used in this state, and due the State of Nebraska under the provisions of section 66-410 or Chapter 66, article 6; Provided, that such excise tax after June 1, 1979 shall be five cents per gallon less on motor vehicle fuel containing a minimum of ten percent blend of agricultural ethyl alcohol whose purity shall be at least ninety-nine per cent alcohol, excluding denaturant, than on motor vehicle fuel which does not contain such a blend, except that commencing on July 1, 1982, such five cent per gallon reduction shall apply only to such a blend which contains agricultural ethyl alcohol produced in the State of Nebraska by an alcohol plant in operation or under construction prior to July 1, 1982. Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.

Sec. 3. That section 66-821, Revised Statutes Supplement, 1980, be amended to read as follows:

66-821. For purposes of sections 66-821 to 66-824, unless the context otherwise requires:

(1) Gasohol shall mean gasoline which contains a minimum of ten per cent blend of an agricultural ethyl alcohol whose purity shall be at least ninety-nine per cent alcohol, excluding denaturant, ~~of at least one hundred ninety proof~~ produced in Nebraska; and

(2) Department shall mean the Department of Roads.".

3. On page 2, line 24, strike "section" and insert " "sections", and after "66-410," insert "66-428,

and 66-821,"; and in line 25, strike "is" and insert "are".

4. Renumber original section 2 as section 4.

LEGISLATIVE BILL 236. Placed on General File as amended.
Standing Committee amendment to LB 236:

1. Insert the following new section:

"Sec. 29. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Loran Schmit, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 221. Placed on General File.

LEGISLATIVE BILL 21. Placed on General File as amended.
Standing Committee amendment to LB 21:

1. On page 3, line 24, strike beginning with "of" through "and" and show as stricken; and in line 26 after "employees" insert ", except that in a county having a population of twenty thousand inhabitants or more or when two or more contiguous counties jointly employ one county attorney and have a combined population of twenty thousand inhabitants or more, the county attorney for such county or counties shall receive an annual salary of not less than twenty thousand dollars".

LEGISLATIVE BILL 186. Placed on General File as amended.
Standing Committee amendment to LB 186:

1. On page 4, strike lines 7 through 17 and insert as follows:

"(2) Uniforms shall be purchased directly from the supplier or suppliers with whom the Department of Administrative Services has contracted."; and in line 18 strike "(4)" and insert "(3)".

(Signed) Martin Kahle, Chairperson

Miscellaneous Subjects

LEGISLATIVE BILL 124. Placed on General File.
LEGISLATIVE BILL 206. Placed on General File.

LEGISLATIVE BILL 67. Placed on General File as amended.
Standing Committee amendments to LB 67:

1. On page 2, line 11, strike "bid," and show as stricken.
2. On page 3, line 15, strike "bid," and show as stricken.

3. On page 5, line 10, strike "a master" and insert "an", and strike "or Class B"; and in line 11 strike "electrician".

LEGISLATIVE BILL 77. Placed on General File as amended. Standing Committee amendment to LB 77:

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Elroy M. Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Fitzgerald and Beutler asked unanimous consent to print the following amendment to LB 29 in the Journal. No objections. So ordered.

LB 29 be returned to Select File for a specific amendment as follows:
Line 2 page 3 after the words "exposure to" insert the words "asbestos composed of"
Line 5 page 3 strike the words "the nature of the injury is discovered" and substitute the words "injured person has been informed of discovery of the injury by competent medical authority and that such injury was caused by exposure to asbestos as described herein"
Line 22 and 23 page 3 strike the remainder of the sentence following the word "to" and insert the words "permit an action to be brought based on an injury described in this subsection discovered more than two years prior to the effective date of this act."

VISITORS

Visitors to the Chamber were Former Senator Floyd Pohlman from Auburn; and a group of Citizens for Decency from Omaha.

ADJOURNMENT

At 12:13 p.m., on a motion by Mr. Clark, the Legislature adjourned until 9:00 a.m., Tuesday, February 10, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 10, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 10, 1981

Pursuant to adjournment, the Legislature met at 9:05 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Senator Rumery.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, Chambers, and Dworak who were excused; and Miss Kilgarin, Messrs. Burrows, Fowler, Hoagland, Kahle, Newell, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 41. Placed on Select File.
LEGISLATIVE BILL 18. Placed on Select File.
LEGISLATIVE BILL 121. Placed on Select File.
LEGISLATIVE BILL 14. Placed on Select File.

LEGISLATIVE BILL 51. Placed on Select File as amended.
E & R amendment to LB 51:

1. In the title, lines 2 and 7, strike "sections" and insert "section"; and in line 2 strike "and 39-2504".

LEGISLATIVE BILL 64. Placed on Select File as amended.
E & R amendment to LB 64:

1. In the title, line 2, strike "section 39-6,149" and insert "sections 39-630 and 39-6,151"; and in line 6

strike "section" and insert "sections".

LEGISLATIVE BILL 65. Placed on Select File.
LEGISLATIVE BILL 24. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

SELECT FILE

LEGISLATIVE BILL 20. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 165A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 140. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 37. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 30. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 130. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 27. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 82. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 45. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 214. Title read. Considered.

Mr. DeCamp asked unanimous consent to have LB 214 laid over. No objections. So ordered.

LEGISLATIVE BILL 336. Title read. Considered.

Mr. Stoney offered the following amendment:
Amend sub-section (3), after the (.) line 23 add in line 24:
through December 31, 1983.

The amendment was adopted with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 336A. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 33. Title read. Considered.

Mr. Beutler offered the following amendment:
Amend on page 2, line 15 by adding after the word "published" the following language: "once each week for"

The amendment was adopted with 31 ayes, 2 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 96. Title read. Considered.

Advanced to E & R for Review with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 31. Title read. Considered.

Standing Committee amendment found in the Journal on page 456 for the Twentieth Day was considered.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Standing Committee amendment was adopted with 25 ayes, 7 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 29 ayes, 2 nays, 13 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 9. Placed on General File as amended.
Standing Committee amendments to LB 9:

1. On page 3, line 26, after "Nebraska" insert ", except that its income may be exempt from taxation under section 501 (c) (3) of the Internal Revenue Code".

2. On page 5, line 4, strike "and"; in line 6 strike the period and insert "; and"; and after line 6 insert a new subdivision as follows:

"(6) Any property held by the State of Nebraska.".

LEGISLATIVE BILL 38. Placed on General File as amended.
Standing Committee amendments to LB 38:

1. On page 2, line 10, strike "or subject

to criminal prosecution"; and in lines 20 and 21 strike "or subject to criminal prosecution".

2. Insert two new sections as follows:

"Sec. 2. (1) Any charitable or nonprofit organization distributing food pursuant to this act shall affix a label upon such food or upon the individual container or package of such food stating that the food is not for resale.

(2) Violation of the provisions of subsection (1) of this section shall be a Class V misdemeanor.

Sec. 3. (1) It shall be unlawful for any person or charitable or nonprofit organization receiving food pursuant to this act to sell or offer to sell such food.

(2) Violation of the provisions of subsection (1) of this section shall be a Class V misdemeanor.".

3. Renumber original sections accordingly.

(Signed) Loran Schmit, Chairperson

GENERAL FILE

LEGISLATIVE BILL 214. Title read. Considered.

Standing Committee amendments found in the Journal on page 428 for the Eighteenth Day were considered.

Mr. Beutler offered the following amendment to the Standing Committee amendments:

Amend the committee amendments to delete all changes allowing for declining or unequal installment payments.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment to the Standing Committee amendments lost with 12 ayes, 23 nays, 9 present and not voting, and 5 excused and not voting.

The Standing Committee amendments were adopted with 28 ayes, 6 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 8 nays, 10 present and not voting, and 5 excused and not voting.

MR. CLARK PRESIDING

LEGISLATIVE BILL 120. Title read. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 85. Title read. Considered.

Standing Committee amendment found in the Journal on page 456 for the Twentieth Day was considered.

Mrs. Marsh offered the following amendment to the Standing Committee amendment:

Strike from "On" in line 1 through "Funds" in line 5.

The Marsh amendment to the Standing Committee amendment lost with 14 ayes, 20 nays, 9 present and not voting, and 6 excused and not voting.

The Standing Committee amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Lamb moved to indefinitely postpone LB 85.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. Haberman requested a record vote.

Voting in the affirmative, 13:

Cope
Goll
Goodrich
Hefner
Johnson, L.
Johnson, V.
Kremer
Lamb
Peterson, H.
Peterson, R.
Remmers
Sieck
Stoney

Voting in the negative, 23:

Beyer
Burrows
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Haberman
Higgins
Kahle
Kilgarin
Labedz
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Rumery
Vickers
Von Minden
Warner
Wiitala

Present and not voting, 9:

Barrett	Chronister	Koch	Schmit	Wesely
Beutler	Clark	Pirsch	Wagner	

Excused and not voting, 4:

Carsten	Chambers	Dworak	Hoagland

The Lamb motion to indefinitely postpone lost with 13 ayes, 23 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 12 nays, 7 present and not voting, and 4 excused and not voting.

Mr. R. Peterson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION - Return LB 29 to Select File

Messrs. Fitzgerald and Beutler renewed their pending amendment found in the Journal on page 482 to return LB 29 to Select File for a specific amendment.

The motion prevailed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

The Fitzgerald-Beutler specific amendment found in the Journal on page 482 was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 28, 42, and 156.

(Signed) Karen Kilgarin, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the advancement of LB 31.

(Signed) Donald L. Wagner

ATTORNEY GENERAL'S OPINION

Opinion No. 20
February 10, 1981

Re: Neb.Rev.Stat. §§71-1901 to 71-1905 (Reissue 1976)

Dear Senator V. Johnson:

This letter is in response to your request for clarification concerning Neb.Rev.Stat. §§71-1901 to 71-1905 (Reissue 1976). Since your inquiry involves a question to be presented to the Administrative Rules and Regulations Review Committee, it concerns a legislative matter and is therefore a proper subject for an opinion from this office.

In regard to your first question, Neb.Rev.Stat. §71-1904 (Reissue 1976) authorizes the Department of Welfare to promulgate rules and regulations consistent with the child care statutes (Neb.Rev.Stat. §71-1901 to 71-1905 (Reissue 1976)). Section 71-1904 specifically states that the department shall make such rules and regulations as it shall deem necessary for (1) the proper care of children by licensees, (2) the issuance, suspension, and revocation of child care licenses, and (3) the proper administration of said sections.

Under the authority set out above the department has established a list of exceptions to the requirements of licensure of board and care facilities in section 1454.02 of the Social Service Manual (SSM). Your inquiry concerns one such exception which states, "preschool programs that are educational only and do not feed or nap the children." It is our opinion that the making of such an exception is pursuant to and within the confines of the statute for the reason that in §71-1901 (2) child care is defined as the business of exercising the care, supervision, custody or control over children under sixteen years of age, for compensation or hire, in lieu of the care or supervision normally exercised by parents in their own home. A preschool program which is educational only would not fall into the category of care that is normally exercised by parents in their home. Such preschool programs usually accept a child three to five years of age for approximately two to two and one-half hours a day. It is our opinion that in view of the nature of such preschool programs, the exception is reasonable and that the rule (SSM 1454.02(4)) properly expresses the legislative purpose.

In regard to your second question, it is necessary to again refer to Neb.Rev.Stat. §71-1901(2) which defines child care in terms of parental substitution for compensation or hire as set out above. Therefore, if the employer is not receiving compensation or is not hiring out its services, such a child care arrangement between employer and employee would not fall within the confines of Neb.Rev.Stat. §71-1901(2) and would not be subject to license requirements. The State Plan and Manual SSM 1454.02 states: "The following services are exempted from licensure but may voluntarily be licensed: . . . (2) Care that is provided without cash or any form of compensation; . . . (5) Child care which is provided while each child's parent(s) are on the premises."

If we can be of any further assistance, please contact us.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Royce N. Harper
Assistant Attorney General

RNH:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

ANNOUNCEMENT

Mr. V. Johnson announced that the hearing on the Administrative Rules and Regulations Review Committee regarding the child care regulations set for tonight is cancelled. The same hearing is reset for Wednesday, February 25, 1981 at 7:30 p.m.

VISITORS

Visitor to the Chamber was Mr. Terry Currey from Holdrege.

ADJOURNMENT

At 11:55 a.m., on a motion by Mr. Chronister, the Legislature adjourned until 9:00 a.m., Wednesday, February 11, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 11, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 11, 1981

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Gale R. Baldridge, First Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Dworak who was excused; and Mesdames Higgins and Labedz, Miss Kilgarin, Messrs. Carsten, Chambers, Hoagland, V. Johnson, Newell, Sieck, and Stoney who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Second Day was approved.

MESSAGE FROM THE GOVERNOR

February 10, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 1, 2, 57, 60, 71, and 141.

These bills were signed by me on February 9, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

ATTORNEY GENERAL'S OPINION

Opinion No. 21
February 10, 1981

Dear Senator DeCamp:

In your letter of February 5, 1981, you asked our opinion as to the legality of a proposed amendment to LB 45, which would increase the amount of court costs to be paid under Neb.Rev.Stat. §81-1429 (Reissue 1976) and would in addition direct that such money be placed directly in the State General Fund to be spent as the Legislature sees fit.

The use of the term "court costs" in your letter is not entirely clear, but since you are referring to LB 45, and in effect §81-1429, it would seem reasonable to assume that you refer to that amount, presently one dollar, which is charged to the defendant in a successful criminal prosecution as a cost and which is in turn placed in a special Law Enforcement Improvement Fund.

In a criminal action no costs can be assessed against the defendant except where specifically authorized by statute. State v. Jungclaus, 176 Neb. 641, 126 N.W.2d 858 (1964). Normally such costs involve statutory filing fees, and other similarly designated fees. In addition some such costs are in partial recompense for the expenses of the court operation, while others reimburse the successful party for expenses incurred. DeCamp v. City of Lincoln, 202 Neb. 727, 277 N.W. 2d 83 (1979). Also in Nebraska there are such statutory costs as the one dollar assessed for the Nebraska Retirement Fund for Judges, Neb.Rev.Stat. §24-703(4) (Reissue 1979), and, of course, one dollar assessed under §81-1429 for the Law Enforcement Improvement Fund.

In a previous opinion dated November 25, 1977, this office responded to a proposal to increase the amount of the cost assessed under §81-1429 by the amount of one dollar. In that opinion we indicated that it was not entirely clear as to the overall constitutionality of such legislation including the existing statute, but nevertheless believed that the existing law, together with the proposed amendment, could probably be successfully defended. That opinion noted that the present law had been referred to by the Nebraska courts, but that the specific question as to its constitutional validity had never been dealt with. The opinion also noted that in other jurisdictions which had dealt with similar provisions, the courts had reached conflicting results.

The courts that have struck down such provisions have generally first found that proper court costs must be directly related to the actual costs of prosecution. Where this relationship could not be found, the "costs" have been found to be in actuality taxes, Ex parte Coffelt, 228 P.2d 199, 93 Okl.Crim. 343 (1951), and in violation of the doctrine of separation of powers because the court was in effect made a tax gathering agency. The same result was reached in Ex parte Miller, 263 P.2d 522, 97 Okl.Crim. 351 (1953). Likewise, in People v. Barber, 14 Mich.App. 395, 165 N.W.2d 608 (1968), the court found such "costs" to be in actuality fines and hence in conflict with other constitutional provisions providing for the specific allocation of fines.

On the other hand, in the more recent case of State v. Young, 238 So.2d 589 (Fla. 1970), the court found that a statute, which involved the assessment of a dollar as a court cost against every person convicted of violation of a state criminal statute or a municipal or county ordinance to be deposited in the state fund for the general improvement of law enforcement agencies, was a validly assessed cost. Specifically, the assessment was held not to be a tax, thus raising no problems concerning the violation of the principle of separation of powers. The court there noted that, "It is not unreasonable that one who stands convicted of such an offense should be made to share in the improvement of the agencies that society has had to employ in defense against the very acts for which he has been convicted." Id. at 590. Other courts have subsequently upheld this reasoning. State v. Champe, 337 So. 2d 880 (Fla. 1978); and State ex rel. Brown v. Galbraith, 370 N.E.2d 478 (Ohio 1977). In contrast to the conflicting line of cases, these decisions have made a finding of a relationship between the assessed court costs and the overall expenses involved in maintaining a law enforcement and criminal justice system, albeit not a direct relationship to the actual prosecutorial costs.

The proposal contained in your letter of February 5, 1981, involves the placement of such "costs," directly into the General Fund of the state to be spent as the Legislature sees fit. This, of course, does away with any relationship between these "court costs" and the expenses of maintaining the criminal justice system, as is presently found in §81-1429, wherein the money is placed into a Law Enforcement Improvement Fund. The "costs" would become in essence merely a tax for general revenue purposes. Relying upon the rationale in the previously mentioned cases wherein such a cost has been found to be improper and in reality a tax, the proposal would very likely be in conflict with the constitutional requirement of separation of powers, Article II, section 1 of the Nebraska Constitution, by making tax collectors out of the state's courts. In addition, a substantial increase in the amount of this court cost, could possibly result in the "cost," being found to be in the nature of a fine, thus placing the provision in violation of Article VII, section 5 of the Nebraska Constitution providing for disposition of all penalties and fines. To avoid such characterizations it would appear to be at least necessary to be able to make an affirmative showing involving a reasonable relationship between the assessed court costs and the maintenance of the law enforcement and criminal justice systems. Consequently, it is our opinion that while the present §81-1429 is probably valid, a proposal such as the one contained in your letter of February 5, 1981, would likely be held unconstitutional.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 43, 46, and 81.

(Signed) Karen Kilgarin, Chairperson

SELECT FILE

LEGISLATIVE BILL 41. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 18. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 121. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 14. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 51. E & R amendment found in the Journal on page 483 for the Twenty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 64. E & R amendment found in the Journal on page 483 for the Twenty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 65. Mr. Wesely offered the following amendment:

Amend LB 65 as follows:

1. On page 5, line 3, strike the new matter.
2. On page 5, line 3, after "district" insert ", which vote shall require a five-sixths majority in districts governed pursuant to subsection (1) of section 74-1304 and a two-thirds majority in districts governed pursuant to subsection (2) of section 74-1304,".

The amendment was adopted with 26 ayes, 1 nay, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 24. Advanced to E & R for Engrossment.

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 475	Tuesday, March 10, 1981 (Cancel)	1:30 p.m.
LB 475	Wednesday, February 18, 1981 (Reset)	1:30 p.m.

(Signed) William E. Nichol, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Koch asked unanimous consent to be excused Thursday, February 12, 1981. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 15.

Introduced by Koch, 12th District; Marvel, 33rd District.

WHEREAS, William A. Locke has provided an example of excellence in teaching for the past eighteen years at Hastings Junior High School where he currently teaches seventh grade English and Social Studies; and

WHEREAS, Will Locke has contributed to both his profession and his community by having served as president of the Hastings Education Association, by serving as a department chairperson at the junior high and as a Boy Scoutmaster, and by his involvement in various civic and church activities; and

WHEREAS, Will Locke has been chosen as the 1981 Nebraska Teacher of the Year for his excellence in classroom teaching which has earned him respect and admiration from students, parents, and professional associates.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Legislature congratulates William Locke for his selection as 1981 Nebraska Teacher of the Year and recognizes him for his teaching ability and his commitment to professional and community activities.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 207. Title read. Considered.

Mr. Koch asked unanimous consent to withdraw his pending amendments, Req. #2021 found in the Journal on page 380. No objections. So ordered.

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Koch renewed his pending amendments, Req. #2037 found in the Journal on page 471.

The amendments were adopted with 25 ayes, 9 nays, 4 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 25 ayes, 9 nays, 4 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 207A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 8 nays, 3 present and not voting, and 11 excused and not voting.

MR. CLARK PRESIDING

LEGISLATIVE BILL 167. Title read. Considered.

Standing Committee amendments, Req. #2024 printed separately from the Journal and referred to on page 392 were considered.

Mr. Burrows renewed his pending amendment, Req. #2024 to the Standing Committee amendments found in the Journal on page 479.

The amendment was adopted with 18 ayes, 16 nays, 6 present and not voting, and 9 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Mr. Koch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner offered the following amendment:
Amend LB 167 (original bill) by striking Sec. 13.

Mr. Warner moved for a Call of the House. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

SPEAKER MARVEL PRESIDING

Mr. Warner requested a roll call vote.

Voting in the affirmative, 24:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Fenger
Goll
Hefner
Johnson, L.
Kahle
Kilgarin
Kremer
Landis
Marsh
Marvel
Peterson, H.
Rumery
Schmit
Vickers
Wagner
Warner
Wiitala

Voting in the negative, 14:

DeCamp
Fitzgerald
Fowler
Haberman
Johnson, V.
Lamb
Maresh
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Stoney
Von Minden

Present and not voting, 3:

Beutler
Goodrich
Wesely

Excused and not voting, 8:

Chambers
Cullan
Dworak
Higgins
Hoagland
Koch
Labedz
Sieck

The Warner amendment lost with 24 ayes, 14 nays, 3 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

Mr. Warner moved to indefinitely postpone LB 167.

Mr. DeCamp asked unanimous consent to have LB 167 laid over until Tuesday, February 17, 1981.

Mr. V. Johnson objected.

Mr. DeCamp moved to have LB 167 laid over until Tuesday, February 17, 1981.

EASE

The Legislature was at ease from 10:43 a.m. until 10:55 a.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 165A, 20, 27, 29, 30, 37, 45, 82, 130, and 140.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 345. Placed on General File as amended. Standing Committee amendments to LB 345:

1. On page 2, line 12, after "petition" insert "against the nonsupporting parent or stepparent".

2. On page 3, line 12, strike "an absent", show as stricken, and insert "a nonsupporting", and after "parent" insert "or stepparent"; in line 20 strike "absent", show as stricken, and insert "nonsupporting", and after "parent" insert "or stepparent"; in line 22 after "action" insert an underscored comma; and in line 23 after "contempt" insert an underscored comma.

3. On page 5, line 10, after "of" insert "the right to", and after "arrearages" insert ", from the inception of the court order,".

(Signed) William E. Nichol, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 125. Placed on General File as amended. Standing Committee amendment to LB 125:

1. Insert a new section as follows:

"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 150. Placed on General File as amended. Standing Committee amendments to LB 150:

Req. #2063

1. On page 2, line 12, strike "(1)", strike beginning with "thirty-five" in line 15 through "shall" in line 17 and insert "twenty-four dollars per year. Such charges shall not".

2. Insert a new section as follows:

"Sec. 2. It is hereby declared to be the public policy of the State of Nebraska that for the purpose of applying the federal most favored lender doctrine, the bank credit card rate contained in section 8-820 is not comparable or analogous to the small loan rate found in sections 45-137 and 45-138. The Legislature finds that the institutions making small loans and the institutions administering a bank credit card are categorically different. The transactions carried on by these institutions are categorically different. The Legislature finds that small loan borrowers and bank credit card users are not synonymous or comparable. In establishing a small loan rate, the Legislature has recognized a risk factor that is different and greater than other financial transactions and therefor justifies the charging of a higher interest rate than installment loans, personal loans, retail involving credit plans, or bank credit card interest rates.".

3. Renumber original section 2 as section 3.

(Signed) John W. DeCamp, Chairperson

ANNOUNCEMENT

Mr. Carsten announced an executive session of the Revenue Committee, Wednesday, February 18, 1981, at 1:30 p.m. in room 1520.

GENERAL FILE

LEGISLATIVE BILL 167. Mr. DeCamp asked unanimous consent to withdraw his pending motion to bracket. No objections. So ordered.

Mr. Warner asked unanimous consent to withdraw his pending motion to indefinitely postpone. No objections. So ordered.

The Chair declared the bill be passed over.

LEGISLATIVE BILL 188. Title read. Considered.

Mr. Maresh offered the following amendment:
Amend LB 188 on page 2 line 6
strike two hundred and insert $180

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Maresh moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Maresh requested a roll call vote.

Voting in the affirmative, 27:

Beyer
Carsten
Clark
DeCamp
Fenger
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Maresh
Marvel
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner

Voting in the negative, 16:

Barrett
Beutler
Burrows
Chronister
Cope
Fitzgerald
Fowler
Goll
Goodrich
Kilgarin
Koch
Landis
Marsh
Warner
Wesely
Wiitala

Present and not voting, 2:

Newell
Nichol

Excused and not voting, 4:

Chambers Cullan Dworak Hoagland

The Maresh amendment was adopted with 27 ayes, 16 nays, 2 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 28 ayes, 5 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 188A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 7 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 234. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 234A. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 110. Title read. Considered.

Mr. Beutler offered the following amendment:
Req. #2055

1. On page 2, in lines 15 through 17, strike the new matter and reinstate the stricken matter; in line 17 after the reinstated “building” insert “except as provided in section 2 of this act”.

2. Insert the following new section:

“Sec. 2. (1) If a district shall determine that it is necessary for the proper management and operation of such district to expend funds for constructing or purchasing a headquarters or administration building, the district shall by resolution place the proposition for such expenditure on the general or primary ballot, or call for a special election, for the purpose of approving such expenditure. The resolution calling for an election, the election notice, and the proposition appearing on the ballot in any election shall state the purpose for which such funds will be spent and the amount of funds to be expended.

(2) Notice of the election shall state the date on which the election is to be held and the hours the polls will be open. Such notice shall be published in such newspapers as are necessary to provide for general circulation within the district, at least once each week for three consectuive weeks, the last publication to be not less than seven days prior to the election.

(3) The district shall prescribe the form of the ballot to be used. The provisions of Chapter 32 relating to elections, so far as applicable, shall apply to any election held pursuant to this section.

(4) The proposition to expend funds for constructing or purchasing a headquarters or administration building shall be adopted if approved by a majority of the qualified electors of the district voting in the election.''.

3. Renumber original section 2 as section 3.

Mr. Maresh offered the following amendment to the Beutler amendment:

Amend the Beutler amendment to LB 110 in Pg. 1 line 10 after building insert ''Whenever the cost of the building exceeds $40,000''

The Maresh amendment lost with 15 ayes, 22 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Koch moved the previous question. The question is, ''Shall the debate now close?'' The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Beutler amendment lost with 17 ayes, 22 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 29 ayes, 5 nays, 11 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 288. Placed on General File as amended.
Standing Committee amendments to LB 288:
Req. #2058

1. Strike original section 1.

2. Insert a new section as follows:

"Section 1. That section 84-1317, Revised Statutes Supplement, 1980, be amended to read as follows:

84-1317. An employee may elect to retire on the attainment of age sixty-five or on the attainment of age sixty after thirty years of service. With the approval of the department concerned and the employee, an employee may retire on the attainment of age sixty regardless of the number of years of service. An employee may retire as a result of disability at any age.

No faculty member of the University of Nebraska, the Nebraska State Colleges, or the technical community colleges shall be forced to retire before age seventy without due process, nor shall any faculty member have tenure status revoked due to age.

Any employee shall be required to retire at the end of the month in which his or her seventieth birthday occurs, except that with the annual approval of the department concerned and the employee, such employee may continue his or her employment until the attainment of age seventy-two, except that members of commissions and boards who serve periodically and only receive authorized per diems or expenses shall not be required to retire at age seventy-two and ~~; Provided,~~ the Clerk and Reporter of the Supreme Court serving on July 12, 1974, may continue employment with approval of the Supreme Court and any employee of the legislative council serving on July 12, 1974, may continue employment with the approval of the Legislature.

The first of the month immediately following the last day of work shall be the retirement date, except that disability retirement benefits shall be paid from the date of disability as determined by the board. The provisions pertaining to mandatory retirement shall not apply to elected officials. First payments pertaining to retirements under prior service provisions of sections 84-1301 to 84-1331 shall be made at such time as the retirement board may determine.".

3. On page 5, line 3, strike "84-1301" and insert "84-1317".

LEGISLATIVE BILL 459. Placed on General File as amended. Standing Committee amendments to LB 459:

1. On page 2, line 22, strike "(2)" and insert "(1)".

2. On page 3, line 25, after "fund" insert "until the maximum benefit as limited in subsection (2) of section 24-710 has been earned".

3. On page 4, lines 3, 7, 16, and 23, strike "four" and reinstate "six"; and in line 4 after "fund" insert "until the maximum benefit as limited in subsection (3) of section 24-710 has been earned".

4. On page 9, line 24, after "24-708" insert "or 24-709"; in line 26 strike the first "of", and show as stricken; and strike beginning with "one-twelfth" in line 26 through "of" in line 27, show the old matter as stricken, and insert "in an amount equal to three per cent of his or her final average salary as such judge, multiplied by the number of his or her total years of service, except that the monthly benefits received under this subsection shall not exceed sixty per cent of the final average salary such judge was receiving when he or she last served as such judge.".

5. On page 10, strike the new matter in lines 1 and 2; strike lines 9 through 23 and show the old matter as stricken; and in line 24 strike "(5)" and insert "(4) ~~(5)~~".

6. Insert a new section as follows:

"Sec. 8. For purposes of subdivision (2) of section 77-3424 new program shall include (a) the amount a county pays in excess of two hundred per cent of the amount deducted from the salaries of employees as provided in section 23-2308, for the first year such amount is paid and (b) the total amount paid by a county pursuant to section 23-2308 for the first year such amount is paid by a county initially establishing a county employees' retirement system pursuant to Chapter 23, article 23, after the effective date of this act.".

7. Renumber original section 8 as section 9.

(Signed) Steve Fowler, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 154. Placed on General File as amended. Standing Committee amendments to LB 154:

1. On page 2, strike beginning with "by" in line 5 through "groups" in line 6; strike beginning with "and" in line 8 through "profession" in line 9; in line 18 strike "lead" and insert "led"; and in

line 20 after "broker" insert "has" and strike "promises" and insert "promised".

2. On page 3, line 3, strike the second "the" and insert "a"; strike beginning with "for" in line 3 through "money" in line 6 and insert ", but shall not include any deposit which is returned to the borrower when a written loan commitment is not issued"; strike lines 11 to 17; in line 18 strike "(5)" and insert "(4)"; and in line 21 after the second comma insert "real estate broker or salesperson, attorney, Federal Housing Administration or Veterans Administration approved lender, credit card companies, installment loan licensee,".

3. Strike original section 3.

4. On page 4, in line 22 after "shall" insert a colon; and strike beginning with "conduct" in line 22 through line 27.

5. On page 5 strike lines 1 through 5; in line 6 strike "(3) Assessing" and insert "(1) Assess" and strike "collecting" and insert "collect"; in line 8 after the semicolon insert "or"; in line 9 strike "(4)" and insert "(2)"; in line 10 strike "misrepresenting" and insert "misrepresent"; in line 12 strike the semicolon and insert "or by any lender."; and strike lines 13 to 27.

6. On page 6 strike lines 1 and 2; in line 5 after the period insert "The department shall forward a copy of any complaint against any person exempted from this act pursuant to subdivision (4) of section 2 of this act to the agency responsible for regulating or supervising such person."; in line 9 after the period insert "Such hearings shall be conducted pursuant to Chapter 84, article 9.".

7. Strike original section 6 to 8 and insert a new section:

"Sec. 5. (1) A knowing and willful violation of subdivision (1) of section 3 of this act is:

(a) A Class IV felony if the advance fee assessed or collected is in excess of one thousand dollars; and

(b) A Class I misdemeanor if the advance fee assessed or collected is one thousand dollars or less.

(2) A knowing and willful violation of subdivision (2) of section 3 of this act is a Class I misdemeanor.".

8. Renumber original sections 4, 5, and 9 as sections 3, 4, and 6 respectively.

LEGISLATIVE BILL 275. Placed on General File.

LEGISLATIVE BILL 409. Placed on General File as amended.
Standing Committee amendments to LB 409:

1. On page 2, line 21, strike "twenty-four" and insert "six".
2. On page 3, line 22 strike the underscored comma and insert "or"; and in line 27 strike "for" and insert "~~for~~ upon".
3. On page 4, lines 10 and 11 strike "county attorney,".
4. Strike original sections 7 and 8.
5. On page 8, line 27, strike "be of good moral character" and insert "shall not have been convicted of a felony or a crime involving moral turpitude".
6. On page 11, line 7, strike "76-511, 76-512,".
7. Renumber original sections 9 to 12 as sections 7 to 10 respectively.

(Signed) John W. DeCamp, Chairperson

Judiciary

LEGISLATIVE BILL 54. Placed on General File as amended.
Standing Committee amendments to LB 54:
Req. #2061

1. Strike the original sections and insert the following new sections:

"Section 1. That section 39-6,191, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,191. The owner or operator of a motor vehicle shall not be liable for any damages to any passenger or person related to such owner or operator as spouse or within the second degree of consanguinity or affinity who is riding in such motor vehicle as a guest or by invitation and not for hire, unless such damage is caused by (1) the driver of such motor vehicle being under the influence of intoxicating liquor, or ~~because of~~ (2) the gross negligence of the owner or operator in the operation of such motor vehicle. For the purpose of this section, the term guest is hereby defined as being a person who accepts a ride in any motor vehicle without giving compensation therefor, but shall not be construed to apply to or include any such passenger in a motor vehicle being demonstrated to such passenger as a prospective purchaser. Relationship by consanguinity or affinity within the second degree shall include parents, grandparents, children, grandchildren, and brothers and sisters. Should the marriage of the driver or owner be terminated by death or dissolution, the affinial relationship with the blood kindred of his or her spouse shall be deemed to continue.

Sec. 2. This act shall apply only to injuries or deaths occurring on or after the effective date of this act.

Sec. 3. That original section 39-6,191, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. In the title, strike lines 2 through 6 and insert the following:

"FOR AN ACT to amend section 39-6,191, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to limit the operation of the guest statute to certain relatives of the motor vehicle owner or operator; to provide for application; and to repeal the original section.".

LEGISLATIVE BILL 205. Placed on General File as amended. Standing Committee amendments to LB 205:

1. On page 2, lines 3 and 4, strike "authorized to investigate fires" and insert "an authorized arson investigator"; and in line 24 strike "fire" and insert "arson".

2. On page 4, line 25, strike "to investigate" and insert "arson investigators".

(Signed) William E. Nichol, Chairperson

NOTICE OF COMMITTEE HEARING
Appropriations

The Agency Budget Hearing for the Department of Roads scheduled for 1:30 p.m. on Thursday, February 12, 1981 has been rescheduled for 2:00 p.m.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Beutler and Vickers asked unanimous consent to print the following amendment to LB 167 in the Journal. No objections. So ordered.

"The increase in interest rates on delinquent tax payments provided in original sections 3 through 7, 19 through 25, shall be prospective only and shall apply only to taxes becoming delinquent or assessments made after the effective date of this act"

RESOLUTION

LEGISLATIVE RESOLUTION 16.

Introduced by Burrows, 30th District; Carsten, 2nd District; Chronister, 18th District; Cullan, 49th District; DeCamp, 40th District; Haberman, 44th District; Hefner, 19th District; L. Johnson, 15th District; Kahle, 37th District; Kremer, 34th District; Lamb, 43rd District; Maresh, 32nd District; Nichol, 48th District; H. Peterson, 35th District; R. Peterson, 21st District; Remmers, 1st District; Rumery, 42nd District; Schmit, 23rd District; Vickers, 38th District; Von Minden, 17th District; Warner, 25th District; Wesely, 26th District; Wiitala, 31st District.

WHEREAS, Nebraska is one of the nation's leading states in grain production and this state's agricultural commodities are a significant factor in maintaining a stable and predictable national economy; and

WHEREAS, the Nebraska Legislature on January 14, 1980, was the first elected public body to oppose the imposition of the embargo by adopting a resolution which pointed out to President Carter that the grain embargo would not be effective and asked that it be lifted; and

WHEREAS, that prediction has proven to be true; and

WHEREAS, the free market system used to exchange agricultural products is a delicate balance between the world markets and the continuing production capability of American agriculture; and

WHEREAS, the American farmer must be given the incentive to produce commodities in order to feed this nation and the world; and

WHEREAS, the continued exportation of farm commodities at a price commensurate with commodity prices in Europe could be a major factor in correcting this nation's balance of trade deficit; and

WHEREAS, various Nebraska associations of commodity producers have chosen to tax themselves through check-off programs, using the proceeds to encourage and expand export market prospects; and

WHEREAS, the continuing embargo has placed many family farms, the mainstay of American agriculture, in serious jeopardy without curtailing the adventurism of the Soviet Union, and the embargo has directly affected the American farmer through lower grain prices and loss of potential future exports; and

WHEREAS, the lack of grain has not been known to produce a democratic society, relax military tension, or influence military policy consistent with American expectations; and

WHEREAS, the embargoes imposed have a history of creating artificial international disruption of the orderly process of grain marketing which is detrimental to American agricultural interest in the following manner:

(A) Creates the equivalent of a black market in grain with a depressed grain price in the United States and that some depressed grain being routed through foreign countries and then being purchased by the Russians or whoever the embargo is against at exorbitant prices and the windfall profits going to the speculators rather than the producers of grain;

(B) destroys all predictability and, therefore, profitability in grain marketing and grain needs by forcing concealment of who the true purchasers of grain are in the world markets.

WHEREAS, any attempt to expand the embargo to other areas can only be expected to meet with the same dismal failure as have the efforts to embargo commodities and President Reagan has acknowledged the problems caused by the grain embargo; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature urges President Reagan to rescind the grain embargo and to immediately restore normal trading of agriculture commodities.
2. That President Reagan, recognizing the positive impact of the sale of agricultural commodities upon the United States' trade deficit, resume negotiations with those countries that choose to purchase the commodities at a price that is commensurate with cost of production and world market prices.
3. That the Clerk of the Legislature sent a copy of this resolution to President Ronald Reagan, Secretary of Agriculture John Block, Secretary of State Alexander Haig, and to members of the Nebraska congressional delegation.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mr. Clark asked unanimous consent to be excused Thursday, February 12, 1981. No objections. So ordered.

VISITORS

Visitors to the Chamber were Somporn (Sam) Chaiya from Thailand; and Mrs. Donna Burson (Senator Vicker's sister) from Gothenburg, Nebraska.

ADJOURNMENT

At 12:05 p.m., on a motion by Mr. Kahle, the Legislature adjourned until 9:00 a.m., Thursday, February 12, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 12, 1981

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Monsignor Charles J. Keenan, Blessed Sacrament Parish, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Clark and Koch who were excused; and Mrs. Pirsch, Messrs. Cullan, DeCamp, Newell, Remmers, Warner, Wesely, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Third Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 336. Placed on Select File as amended.
E & R amendment to LB 336:

1. In lieu of the Stoney amendment, on page 2, lines 23 and 24, strike the new and reinstate the stricken matter, and in the reinstated matter strike "1981" and insert "~~1981~~ 1983".

LEGISLATIVE BILL 336A. Placed on Select File.
LEGISLATIVE BILL 33. Placed on Select File.
LEGISLATIVE BILL 96. Placed on Select File.
LEGISLATIVE BILL 31. Placed on Select File.

LEGISLATIVE BILL 214. Placed on Select File as amended.
E & R amendment to LB 214:

1. In the title, line 2, insert "8-823, Reissue Revised Statutes of Nebraska, 1943, and section 8-446 and" after "section"; in line 3, strike "personal"; in line 4 strike "a limitation" and insert "limitations"; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 120. Placed on Select File.
LEGISLATIVE BILL 85. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 195. Placed on General File as amended.
Standing Committee amendment to LB 195:

1. On page 2, line 6, strike "(1)"; and in line 14 strike "(2)" and insert "a company which at all times maintains the minimum capital and surplus required by law invested in assets qualified for investment, may".

LEGISLATIVE BILL 272. Placed on General File as amended.
Standing Committee amendments to LB 272:

1. On page 34, line 7, strike "act" and insert "action".

2. Insert two new sections as follows:

"Sec. 60. Limited partnerships existing under the laws of the State of Nebraska prior to January 1, 1982, shall continue to exist under this act without the filing of a certificate of limited partnership with the Secretary of State until January 1, 1983, at which time such filing shall be mandatory for such partnerships to continue to exist as limited partnerships. From January 1, 1982, to January 1, 1983, limited partnerships existing under the laws of the State of Nebraska prior to January 1, 1981, and not filing a certificate of limited partnership with the Secretary of State shall nonetheless be governed by the provisions of this act as though they had filed such certificate.

Sec. 61. The filing fee for all filings pursuant to this act, including amendments and name reservation, shall be ten dollars plus the recording fees set forth in subdivision (4) of section 33-101. The fees for filings pursuant to this act shall be paid to the Secretary of State and by him or her paid into the state treasury and shall by the State Treasurer be placed in the General Fund.".

3. Renumber the remaining original sections accordingly.

LEGISLATIVE BILL 273. Placed on General File as amended. Standing Committee amendments to LB 273:

Req. #2064

1. On page 11, line 17, strike "secretary" and insert "~~secretary~~ Risk Manager".

2. On page 17, line 17, strike "81-8210" and insert "81-8,210".

3. On page 19, line 8, after the semicolon insert "and"; in line 14 strike "; and" and insert an underscored period; and strike lines 15 through 20.

4. On page 20, line 26, after the period insert "The amounts for such funds attributable to cash fund agencies shall be separately stated and paid into the funds from an appropriation to each cash fund agency.".

5. On page 21, line 17, after "fund" insert ", except that such money or property recovered under the terms of an insurance policy, the premiums for which were paid for by a cash fund agency, shall be deposited in the respective cash fund"; and strike beginning with the third comma in line 19 through the comma in line 20.

6. On page 22, strike beginning with the third comma in line 9 through the comma in line 10.

7. Insert a new section as follows:

"Sec. 29. That section 81-8,239, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,239. After investigation, the State Claims Board shall either approve, approve with conditions or limitations or disapprove of each claim or request, and append to the claim or request a concise statement of the facts brought out in such investigation upon which its approval or disapproval is based. Such claim or request, together with the original papers supporting it and the appended statement, shall be filed in the office of the ~~secretary of the board~~ Risk Manager, and delivered to the ~~chairman~~ chairperson of the appropriate committee of the next Legislature convening after the filing of the claim or request; Provided, the ~~board~~ Risk Manager may direct the payment by the state agency involved of any claim approved by it not in excess of ~~five hundred~~ two thousand dollars when such payment is agreed to by the head of the agency involved.".

8. On page 24, line 8, strike "and"; and in line 9 before "Reissue" insert "and 81-8,239,".

9. Renumber original section 29 as section 30.

LEGISLATIVE BILL 355. Placed on General File as amended. Standing Committee amendments to LB 355:

Req. #2048

1. On page 2, lines 1 and 12, after "of" insert "sections 1 to 4 of".

2. Strike original section 2 and insert a new section as follows:

"Sec. 2. For purposes of sections 1 to 4 of this act, published monthly average shall mean a monthly bond yield average which is:

(1) Published by a national financial statistical organization;

(2) Recognized by the National Association of Insurance Commissioners;

(3) In current general use in the insurance industry; and

(4) Designated by the Director of Insurance.".

3. On page 3, line 10, after "charged" insert "(a)"; and in line 13 strike the underscored period and insert ", and (b) must be reduced whenever such reduction as determined under subsection (2) of this section would decrease that rate by one half of one per cent or more per annum.".

4. On page 5, lines 2 and 4, after "of" insert "sections 1 to 4 of".

5. On page 9, line 12, after the underscored period insert "Interest if payable annually in advance shall not exceed an effective rate equivalent to the specified rate of interest determined pursuant to section 3 of this act."; and reinstate the stricken matter beginning with "It" in line 15 through the period in line 24.

(Signed) John DeCamp, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 14, 18, 41, 51, 64, 65, and 121.

(Signed) Karen Kilgarin, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 11, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Blixt, Larry - Des Moines, IA, Iowa/Nebraska Gasoline Dealers Association
Childe, James H. - Lincoln, Nebraska Industrial Developers Association
Cutshall, Bruce A. - Lincoln, Nebraska Corn Growers Association; Nebraska Grain Sorghum Producers Association; Nebraska Wheat Growers Association
Fehringer, James D. - Lincoln, Farmers Union of Nebraska
Gordon, James E. - Lincoln, Wyuka Cemetery
Griffin, Clifford F. - Lincoln, Fleet Reserve Association Branch 145
Humble, Charles - Lincoln, Nebraska Cable Communications Association
Johnson, Joseph E. - Lincoln, Common Cause/Nebraska
Moore, Kathryn A. - Omaha, Legislative Coalition for Children
Morgan, James J. - Lincoln, Disabled American Veterans, Department of Nebraska
Pierce, Gail J. - Lincoln, Farmers Union of Nebraska
Smith, Robert E. - Broken Bow, Nebraska State Grange
Tews and Radcliffe:
  Radcliffe, Walter H. - Lincoln, Nebraska Corn Growers Association; Nebraska Grain Sorghum Producers Association; Nebraska Wheat Growers Association; Regency Dental, P.C.

MOTION - Introduce New Bill

Mr. Nichol moved to suspend the rules, Rule 5, Section 5 to permit the introduction of Req. #889.

Mr. Stoney moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Nichol moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Nichol motion prevailed with 30 ayes, 10 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 544. By Nichol, 48th District.
This bill introduced on behalf of: Members of Highway Commission.

A BILL FOR AN ACT to amend section 39-1108, Reissue Revised Statutes of Nebraska, 1943, relating to the State Highway Commission; to authorize the holding of meetings at various locations; and to repeal the original section.

MOTION - Introduce New Bill

Mr. Nichol moved to suspend the rules, Rule 5, Section 5 to permit the introduction of Req. #890.

Mr. Nichol moved for a Call of the House. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Nichol requested a roll call vote.

Voting in the affirmative, 26:

Barrett
Beyer
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Kremer
Labedz
Marsh
Nichol
Peterson, R.
Remmers
Rumery
Schmit
Wagner
Warner

Voting in the negative, 17:

Beutler
Burrows
Carsten
Chambers
Goodrich
Hefner
Johnson, V.
Lamb
Landis
Maresh
Marvel
Peterson, H.
Sieck
Stoney
Vickers
Von Minden
Wesely

Excused and not voting, 6:

Clark
Cullan
Koch
Newell
Pirsch
Wiitala

The Nichol motion lost with 26 ayes, 17 nays, and 6 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Dworak, Wagner, Barrett, Beutler, and Fenger asked unanimous consent to have their names added to LR 16. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 16. Read. Considered.

LR 16 pending.

VISITOR

Mrs. Marsh, Messrs. Beutler, and Goll escorted Andrew Young, U.S. Ambassador to the United Nations to the rostrum where he spoke to the members of the Legislature.

RESOLUTION

LEGISLATIVE RESOLUTION 16. Considered.

LR 16 was adopted with 33 ayes, 4 nays, 8 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Messrs. Schmit and Rumery asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 143. Title read. Considered.

Mr. Beutler asked unanimous consent to withdraw his pending amendment found in the Journal on page 475. No objections. So ordered.

Mr. Beutler offered the following amendment:

1. Strike the Chambers' amendment to the committee amendments.

2. Strike the committee amendments to page 2,

line 26, page 4, line 3, and page 5, line 1.

3. Strike the Koch, Hoagland, Labedz amendment to the committee amendments.

4. On page 2, line 26, strike "sixty-five" and reinstate "Fifty-five".

5. On page 4, line 3, strike "sixty-five" and reinstate "Fifty-five".

6. On page 5, line 1, strike "sixty-five" and reinstate "Fifty-five".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Beutler requested a roll call vote.

Voting in the affirmative, 25:

Beutler
Carsten
Cope
Dworak
Fowler
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Peterson, H.
Pirsch
Remmers
Sieck
Stoney
Von Minden
Warner
Wesely

Voting in the negative, 17:

Barrett
Beyer
Burrows
Chambers
Chronister
Cullan
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Kilgarin
Marvel
Newell
Peterson, R.
Vickers
Wagner

Present and not voting, 2:

DeCamp
Nichol

Excused and not voting, 5:

Clark
Koch
Rumery
Schmit
Wiitala

The Beutler amendment was adopted with 25 ayes, 17 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. DeCamp moved to return LB 143 to Public Works Committee.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

The DeCamp motion lost with 9 ayes, 26 nays, 8 present and not voting, and 6 excused and not voting.

Mr. Newell moved to indefinitely postpone LB 143.

Mr. Stoney moved the previous question. The question is, "Shall the debate now close?"

The Chair ruled the motion out of order.

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The Newell motion to indefinitely postpone lost with 15 ayes, 24 nays, 5 present and not voting, and 5 excused and not voting.

Mr. Beutler offered the following amendment:

1. On page 1 strike beginning with the semicolon in line 3 through the quotation marks in line 10; strike beginning with the semicolon in line 12 through the quotation marks in line 19; and strike beginning with the semicolon in line 21 through line 25.

2. On page 2 strike beginning with "limit" in line 1 through the quotation marks in line 3.

MR. WESELY PRESIDING

The Beutler amendment was adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Chambers offered the following amendment:

Amend LB 143 to set the interstate speed limit at 60 mph

The Chambers motion was adopted with 29 ayes, 13 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 27 ayes, 16 nays, 3 present and not voting, and 3 excused and not voting.

Messrs. Kahle and Warner asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

LEGISLATIVE BILL 109. Title read. Considered.

Standing Committee amendments found in the Journal on page 462 for the Twentieth Day were considered.

Mrs. Marsh requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

Standing Committee amendments #1 and #2 were considered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Labedz asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Kremer moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, 24 not voting.

Mr. Kremer requested a roll call vote.

Voting in the affirmative, 21:

Barrett
Burrows
Carsten
Chronister
DeCamp
Dworak
Goll
Haberman
Hefner
Hoagland
Johnson, V.
Kremer
Lamb
Maresh
Marvel
Newell
Rumery
Sieck
Stoney
Von Minden
Wesely

Voting in the negative, 18:

Beyer
Cope
Cullan
Fenger
Fitzgerald
Fowler
Goodrich
Higgins
Johnson, L.
Kilgarin
Landis
Marsh
Peterson, H.
Peterson, R.
Pirsch
Remmers
Vickers
Wiitala

Present and not voting, 3:

Beutler
Chambers
Wagner

Excused and not voting, 7:

Clark	Koch	Nichol	Warner
Kahle	Labedz	Schmit	

The Standing Committee amendments #1 and #2 lost with 21 ayes, 18 nays, 3 present and not voting, and 7 excused and not voting.

Mr. Maresh asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 206A. By Chambers, 11th District.
This bill introduced on behalf of: LB 206.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 206, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 167 in the Journal. No objections. So ordered.

1. On page 2, line 5, strike "twelve" and insert "fourteen".

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 349	Monday, March 2, 1981 (Cancel)	3:15 p.m.
LB 421	Tuesday, March 3, 1981 (Cancel)	2:30 p.m.
LB 349	Tuesday, March 3, 1981 (Reset)	2:30 p.m.
LB 421	Monday, March 2, 1981 (Reset)	3:15 p.m.

(Signed) John W. DeCamp, Chairperson

Administrative Rules and Regulations Review

LB 97	Wednesday, March 4, 1981	7:00 p.m.

(Signed) Vard R. Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 109. Mr. Kremer moved to reject the Standing Committee amendment #3.

The motion prevailed with 26 ayes, 7 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 34 in the Journal. No objections. So ordered.

1. Amend section 2 of LB 34 to read as follows:

70-637. Before any district shall enter into any contract for the construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement of any power plant or system, or irrigation works, or any part or section thereof, for the use of the district, or for the purchase of any materials, machinery, or apparatus, to be used in such construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement, such district shall cause estimates of the cost thereof to be made by some competent engineer or engineers. If such estimated cost shall exceed the sum of fifty thousand dollars, no such contract shall be entered into without advertising for sealed bids~~.~~ ; Provided, if sealed bids, relating to radioactive material or the energy therefrom, or relating to any maintenance or repair contracts, are impractical or not in the public interest the district shall advertise for responsible bidders, as defined in section 70-639, to negotiate a contract. With respect to contracts entered into by a district in the exercise of its rights and powers, relating to radioactive material or the energy therefrom, or relating to any maintenance or repair contracts, if said engineer or engineers shall certify that by reason of the ~~developmental~~ nature of the subject matter of the contract compliance with ~~this section~~ the sealed bid requirement would be impractical or not in the public interest, and the engineer's certification is approved by a two-thirds vote of the board, the ~~provisions of sections 70-637 to 70-639 shall not apply.~~ district shall negotiate a contract. With respect to contracts in excess of fifty thousand dollars entered into for the purchase of any materials, machinery, or apparatus to be used in the construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement of any power plant or system, or irrigation works, or any part or section thereof when the contract does not include onsite labor for the installation thereof, if, after advertising for sealed bids, no responsive bids are received or if the board of directors of such district determines that all bids received are in excess of the fair market value of the subject matter of such bids, the provisions of sections 70-637 to 639 shall not apply.

2. On page 4, after line 5, insert a new section. Amend section 70-638 to read as follows:

70-638. Prior to such advertisement, plans and specifications for the proposed ~~construction~~ work or materials shall be prepared and filed at the principal office or place of business of the district. Such advertisement shall be made for three consecutive issues not less than twenty days in one or more newspapers of general circulation in the district and in such additional newspapers of general circulation in the district and in such additional newspapers or trade or technical periodicals as may be selected by the board in order to give proper notice of the receiving of bids~~.~~ or offers to negotiate. Such advertisement shall designate the nature of the ~~construction~~ work proposed to be done or materials proposed to be purchased, that the plans and specifications therefor may be inspected at the office of the district, giving the location thereof, and shall designate the time within which bids shall be filed, and the date, hour and place the same shall be opened.

3. On page 5, after line 5, add a new section. Amend section 70-642 to read as follows:

70-642. In the event of sudden or unexpected damage, injury or impairment of such plant, works, system, or other property belonging to the district, the board of directors may, in its discretion, declare an emergency, and proceed with the necessary ~~repairs, alterations, extensions, addition, or other work,~~ construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement without first complying with the provisions of sections 70-637 to 70-641.

VISITORS

Visitor to the Chamber was Mr. Abraham Lincoln (Mr. Tom Kennedy) from College of St. Francis, Joliet, Illinois in observance of Lincoln's birthday.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Hoagland, the Legislature adjourned until 9:30 a.m., Tuesday, February 17, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 17, 1981

Pursuant to adjournment, the Legislature met at 9:26 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Pastor Rodney Hinrichs, Rejoice Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins who was excused; and Mrs. Labedz and Mr. Chronister who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fourth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 207. Placed on Select File as amended.
E & R amendments to LB 207:

1. On page 2, line 24, strike "fee" and insert "fees".

2. In the Koch amendments, page 2, line 2, strike the comma.

3. In the title, strike lines 2 to 6 and insert:
"FOR AN ACT relating to driver education; to amend sections
60-409, 60-409.02, 60-409.12, and 72-1237.01,
Reissue Revised Statutes of Nebraska, 1943; to
increase the per pupil state payment; to increase
and reallocate drivers' license and permit fees;
to eliminate a fund; to provide an"; and in line
8, insert ", and also section 60-409.01, Reissue Revised Statutes of Nebraska, 1943" after "sections".

LEGISLATIVE BILL 207A. Placed on Select File.

LEGISLATIVE BILL 188. Placed on Select File as amended.
E & R amendment to LB 188:

1. Pursuant to the Maresh amendment, on page 2, line 6, reinstate “one”, strike “two”, and at the end of the line insert “eighty”.

LEGISLATIVE BILL 188A. Placed on Select File.
LEGISLATIVE BILL 234. Placed on Select File.
LEGISLATIVE BILL 234A. Placed on Select File.
LEGISLATIVE BILL 110. Placed on Select File.

LEGISLATIVE BILL 143. Placed on Select File as amended.
E & R amendment to LB 143:

1. In the title, line 2, strike “section 39-662” and insert “sections 39-662 and 39-669.26”; in line 6 insert “to change the point system;” after the semicolon; and in line 7 insert “, and also section 39-662.02, Reissue Revised Statutes of Nebraska, 1943” after “sections”.

LEGISLATIVE BILL 109. Placed on Select File.

Correctly Engrossed

The following bill was correctly engrossed: 24.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS

Public Works

LEGISLATIVE BILL 114. Placed on General File as amended.
Standing Committee amendment to LB 114:

1. On page 2, line 4, strike “each” and insert “~~each~~ in any” and strike “each” and insert “an”.

LEGISLATIVE BILL 246. Placed on General File as amended.
Standing Committee amendments to LB 246:

1. On page 2, line 24, after “to” insert “sections 46-638 to 46-650 or”.
2. On page 3, line 22, after “abandoned” insert “registered” and after “well” insert “or a well required to be registered”.
3. On page 4, line 21, after “any” insert “registered”; in line 24 strike “such” and insert “~~such~~ registered”; and in line 26 strike “an” and insert “~~an~~ a registered”.
4. On page 5, line 1, strike “an” and insert “~~an~~

a registered".

LEGISLATIVE BILL 325. Placed on General File as amended. Standing Committee amendment to LB 325:

1. On page 6, line 8, strike "well driller" and insert "person"; in line 9, after "commences" insert "or causes"; and in line 10 after the underscored comma insert "or who knowingly furnishes false information regarding such permit,".

LEGISLATIVE BILL 388. Placed on General File as amended. Standing Committee amendment to LB 388:

1. On page 3, line 7, strike "4 and 6" and insert "5 and 7".

(Signed) Maurice Kremer, Chairperson

REPORTS

Received report from State Building Division for the Review of the Contract for Professional Services for Renovation of the East Hall, Nebraska Center for Women, York, Nebraska, pursuant to Reissue Revised Statute 81-1108.41.

Received annual report from Nebraska Energy office.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 23

February 9, 1981

Dear Senator DeCamp:

This letter is in response to your request of January 30, 1981 that this office furnish an opinion as to the constitutionality of LB 134, a bill to modify the Nebraska Political Accountability and Disclosure Act. The effect of the revision is to restrict the disposition of campaign funds and the apparent purpose for the restriction is to prevent the funds from being used in a manner which would benefit the candidate's personal financial interests other than by promoting his nomination for, or election to, a public office. The purpose is a legitimate one for legislative action. However, the manner in which the bill attempts to accomplish its purpose is not without question.

As the United States Supreme Court has noted in a case arising under the Federal Election Campaign Act, "[c]lose examination of the specificity of the statutory limitation is required where, as here, the legislation imposes criminal penalties in an area permeated by First

Amendment interests.'' Buckley v. Valeo, 424 U.S. 1, 40, 41, 46 L.Ed.2d 659, 700, 95 S.Ct. 612 (1976). Therefore any questions of vagueness and overbreadth in the proposed statutory language will be closely scrutinized.

Questions you have posed focus on the language ''directly influencing the nomination or election of the candidate'' (proposed § 49-1446(3)) and ''personal services'' (proposed § 49-1446(4)(f)). Standing alone, the term ''directly influencing'' might fail to pass constitutional muster. However, a person is assisted in ascertaining the meaning of the language by Neb.Rev.Stat. § 49-1429 (Reissue 1978), defining the term ''influencing'' as '' . . . promoting, supporting, affecting, modifying, opposing, or delaying by any means, including the providing of or use of information, statistics, studies, or analyses'' and § 49-1419, defining ''expenditure'' as a payment '' . . . in assistance of, or in opposition to, ...'' Further assistance is provided in proposed paragraph (4) to § 49-1446, which lists certain items for which payments cannot be made from campaign funds. It becomes obvious that the language's intent is to limit legal payments made from campaign contributions to expenses incurred in order to carry on a campaign, such as filing fees, advertising expenses, rental of campaign headquarters, travel expenses incurred to further the campaign effort, salary for campaign aides, polling costs, and so on. We begin to approach a gray area, however, as the expenses become more personal. The proposed legislation approaches this problem by prohibiting certain types of payments altogether, even though such payments could arguably have been made to directly influence the nomination or election of the candidate. For instance, making installment payments for an automobile owned by a candidate are prohibited, even though the candidate uses the automobile exclusively for his campaigning. (proposed § 49-1446(4)(b)). Therefore any vagueness is eliminated, at least as relates to the particular areas where specific prohibitions are encountered. Considering the difficulty that would be encountered in attempting to make a listing of allowed and disallowed expenditures and in light of the apparent intent of the bill, it is likely to withstand a ''void for vagueness'' challenge.

The section relating to ''personal services'' (proposed § 49-1446 (3) (f)) is also sufficient to put one on notice as to what conduct is prohibited. It is impermissible to use funds from campaign contributions to pay for an individual's services unless such services are in furtherance of the campaign.

Proposed § 49-1446(4)(g), prohibiting the use of funds from campaign contributions to purchase office supplies, staff, or furnishings for the incumbent, is overbroad in violation of the First

Amendment and discriminatory in violation of the Fifth Amendment. The law as written prohibits these purchases even though the use of the supplies and staff are directly related to the campaign, such as campaign literature and campaign aides. A challenger is not prohibited from making these expenditures, however. This provision has no rational relationship to the state's interest in maintaining the integrity of the political process by preventing the use of political contributions as a means of personal financial gain. The deficiency in this paragraph will not affect the validity of the remainder of the bill however.

Lacking less restrictive alternatives to accomplish the state's interest, it is our opinion that the proposed legislation, with the exception as noted, is constitutional.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Mark D. Starr
Assistant Attorney General

MDS:pes
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 24
February 13, 1981

Dear Senator Beutler:

In your letter of February 4, 1981, you ask our opinion as to the constitutionality of LB 245 and whether such proposed legislation constitutes an impermissible interference with the discretion of the Board of Regents to govern the University of Nebraska. LB 245 contains an appropriation and a direction to the University of Nebraska at Lincoln to proceed with plans for the building of a College of Veterinary Medicine.

Article VII, Section 10, of the Nebraska Constitution provides in part that, "The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in . . . the Board of Regents. . . . Their duties and powers shall be prescribed by law." In your letter you make reference to the case of Board of Regents v. Exon, 199 Neb. 146, 256 N.W.2d 330 (1977), in which the court stated in reference to this constitutional provision that:

> We think it is clear that the purpose of the constitutional provision was to remove the University from the plenary control of the Legislature and establish the Board of Regents as an

> independent body charged with the power and responsibility to manage and operate the University as free from political influence and control as possible.

Id. at 148.

The court in addition stated that:

> The Legislature cannot use an appropriation bill to usurp the powers or duties of the Board of Regents and to give directions to the employees of the University. The general government of the University must remain vested in the Board of Regents. In prescribing the powers and duties of the Regents a legislative act must not be so detailed and specific in nature as to eliminate all descretion and authority on the part of the Regents as to how a duty shall be performed.

Id. at 149.

Before giving an overly broad construction to the case of Board of Regents v. Exon, it is necessary to examine the context in which that decision was rendered. In that case the primary dispute involved an appropriations bill which contained numerous statements directing the Board of Regents and, in addition, directing employees of the University, to take certain actions. In this regard the Supreme Court noted that:

> The trial court held that the statements in these bills which did not constitute an appropriation of funds were advisory only and not mandatory and that the Legislature was without authority to direct employees of the University. Although the defendants did not challenge this finding in their assignments of error, we have considered it and agree that it is correct.

Id. at 149. From these statements it seems clear only that the attempt to direct employees of the University was an impermissible interference with the Board of Regents' power to govern the University. This, of course, is not the situation with LB 245 which merely gives direction to the Board of Regents.

The court also said in Board of Regents v. Exon, supra, that "the Legislature may add to or subtract from the powers and duties of the Regents," even though the general government of the University must remain vested in the Board of Regents. An apparent example of this constitutional authority of the Legislature to alter the duties of the Board of Regents is found in State v. Whitmore, 85 Neb. 566, 123 N.W. 1051 (1909), in which the court upheld the authority of the Legislature to direct the Board of Regents to establish an experimental agricultural station. This case was, of course, not overruled by the Exon decision.

It is not clear from Exon or any other case, however, what precisely constitutes the "duties" of the Board of Regents. It thus seems entirely possible that the Legislature could amend the duties of the Board of Regents to include the building of a College of Veterinary Medicine. It is not clear, however, that this is the actual intent of LB 245, despite the language which states that, "The University of Nebraska at Lincoln shall cause plans, working drawings, and specifications to be prepared for building a College of Veterinary Medicine." Certainly discretion is granted to the Board of Regents as to the method by which this directive may be carried out and in this regard such a proposed addition to the duties of the Board of Regents would not appear to be in direct conflict with the decision of Board of Regents v. Exon. It should be noted, though, that LB 245 contains no direct language which would alter the existing statutory duties of the Board of Regents in governing the University of Nebraska. In particular, we note Neb.Rev.Stat. §85-107 (Reissue 1976) which states that the University of Nebraska may embrace, among other colleges, a College of Veterinary Medicine and Surgery. In this regard the Board of Regents has considerable existing discretion and latitude in determining the actual courses of study to be offered at the University. Thus, without amendments to the existing statutory language, it would seem entirely possible that it is within the power of the Board of Regents to refuse to expend monies as appropriated in LB 245, if it deemed this expenditure not to be in the best interest of the University.

This office has consistently maintained the position that the inclusion in appropriations bills of language which is intended to direct or control decisions of administrative or executive branches of the government is constitutionally improper under Article III, Section 14, of the Nebraska Constitution which prohibits bills containing more than one subject. If in fact LB 245 is an attempt to prescribe new duties or alter existing duties of the Board of Regents, and the directory language is certainly rather strongly worded, the bill would be unconstitutional for this reason alone. There is no question that it is an appropriations bill.

This is not to say that legislation could not be drafted limiting the use of appropriations to the University of Nebraska for a specific purpose. In the case of State ex rel. Meyer v. State Board of Equalization & Assessment, 185 Neb. 490, 176 N.W.2d 920 (1970), the court made it clear that the Legislature does have the power to place limits on an appropriation. This fact was also conceded by the parties in Board of Regents v. Exon, Id. at 150. If that were the situation in regard to LB 245, and the language therein was only a limitation upon the use of the appropriation, the Board of Regents could certainly refuse to make these expenditures, but if they did so, could not then use the money for other purposes.

In summation, it does not necessarily appear that LB 245 is improper under the holding of Board of Regents v. Exon, but, rather, the existing language of the bill makes it unconstitutional under Article III, Section 14, of the Nebraska Constitution because of the apparent attempt to place language directing and controlling the actions of an executive agency of the government, here the Board of Regents, in an appropriations bill.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 545. By L. Johnson, 15th District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT relating to reports; to amend sections 2-103, 3-105, 29-2252, 43-602, 48-608, 55-129, 71-2004, 71-2704, 71-3708, 80-401.10, 81-846, 81-8,192, and 84-502, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3265, 19-3905, 39-1320.01, 43-656, 48-1117, 49-904, 50-422, 53-117, 66-469, 68-618, 68-1104, 71-2026, 77-3524, 79-328, 81-117, 81-822, 81-1120.15, 81-1219, 81-1318, 81-1423, 81-1833, 83-109, 83-112, 83-163, 83-173, 83-192, 83-1,127, 83-1,149, 83-909, 84-156, 84-702, and 85-9,100, Revised Statutes Supplement, 1980; to change certain reporting requirements to biennial reports as prescribed; to remove certain reporting requirements; and to repeal the original sections, and also sections 2-1212, 2-2316, 2-2813, 46-214, 48-166, 51-106, 54-151, 75-107, 76-516, 81-530, 81-701.03, 81-806, 82-102, 83-110, 83-174, 85-119, and 85-162, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3811, 48-1,104, 48-1307, 55-130, 71-1,107.22, 72-1256, 81-8,140, 81-8,261, 81-1349, 81-1604, 83-4,105, 83-907, 84-311, and 85-911, Revised Statutes Supplement, 1980.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Clark asked unanimous consent to have his name added to LR 16. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 16.

RESOLUTION

LEGISLATIVE RESOLUTION 15. Read. Considered.

LR 15 was adopted with 36 ayes, 0 nays, and 13 not voting.

SELECT FILE

LEGISLATIVE BILL 178. E & R amendments found in the Journal on page 466 for the Twenty-First Day were adopted.

Mr. Beutler offered the following amendment:
Req. #2056

1. On page 6, strike lines 12 to 18.

2. On page 10, strike lines 3 and 4 and insert "shall remain in the custody and control of the Tax Commissioner or his or her duly authorized representative until offered for sale again in accordance with this section or redeemed by the taxpayer.".

3. On page 11, after line 20 insert the following:

"(10) No injunction or writ of mandamus or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this state to enjoin the collection under the provisions of sections 66-401 to 66-424 of any tax or any amount of tax required to be collected.".

4. On page 16, lines 5 to 11, strike the new matter.

5. On page 19, strike lines 20 and 21 and insert "shall remain in the custody and control of the Tax Commissioner or his or her duly authorized representative until offered for sale again in accordance with this section or redeemed by the taxpayer.".

6. On page 21, after line 10 insert the following:

"(10) No injunction or writ of mandamus or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this state to enjoin the collection under the provisions of sections 66-601 to 66-640 of any tax or any amount of tax required to be collected.".

7. On page 24, line 26, before "tax" insert "sales or use".

8. On page 25, line 5, after "arise" insert "from the time of filing for record"; and strike beginning with "following" in line 5 through "person" in line 6.

9. On page 26 strike lines 8 to 10; and in line 11 after "(c)" insert "A lien imposed pursuant to this subsection shall be valid against any subsequent creditor when notice of such lien and the amount due has been filed by the Tax Commissioner in the county in which the property subject to the lien is situated.".

10. On page 31, strike lines 1 to 7 and show as stricken.

11. On page 34, strike beginning with "may" in line 15 through "amount" in line 17, show as stricken, and insert "shall remain in the custody and control of the Tax Commissioner or his or her duly authorized representative until offered for sale again in accordance with this section or redeemed by the taxpayer".

12. On page 36, strike lines 6 to 13; and in line 14 strike "(6)" and reinstate "(5)".

13. In the Goodrich amendments on page 404 of the Journal:

(a) On page 2, line 10, strike "neglects or refuses", show as stricken, and insert "has failed"; in line 11 strike beginning with "within" through "of", show as stricken, and insert "after"; and in line 12 after "thereof" insert "as provided in section 77-27,102".

(b) On page 3, paragraph subsections (4) (a) through (4) (d).

(c) On page 4, after line 1 insert the following:

"(e) Notice of the sale and the time and place thereof shall be given to the delinquent person in writing at least twenty days before the date set for the sale in the following manner: The notice shall be sent by certified mail, return receipt requested to the taxpayer, at his or her last-known residence or place of business in this state. The notice shall also be published for at least ten days before the date set for the sale in a newspaper of general circulation published in the county in which the property seized is to be sold. If there is no newspaper of general circulation in the county, notice shall be posted in three public places in the county twenty days prior to the date set for the sale. The notice shall contain a description of the property to be sold, a statement of the amount due, including interest, penalties, and costs, the name of the delinquent, and the further statement that unless the amount due, interest, penalties, and costs, are paid on or before the time fixed in the notice for the sale, the property, or so much of it as may be necessary, will be sold in accordance with law and the notice.

(f) At the sale the Tax Commissioner or his or her duly authorized representative shall sell the property in accordance with law and the notice and shall deliver to the purchaser a bill of sale for the personal property. The bill of sale shall vest the interest or title of the person liable for the amount in the purchaser. The unsold portion of any property seized shall remain in the custody and control of the Tax Commissioner or his or her duly authorized representative until offered for sale again in accordance with this section or redeemed by the taxpayer."; in line 2 after "(5)" insert "(a)"; and in line 11 after the period insert the following:

"(b) If upon the sale the money received exceeds the total of all amounts, including interest, penalties, and costs due the state, the Tax Commissioner shall return the excess to the person liable for the amounts and obtain his or her receipts. If any person having an interest in or lien upon the property files with the Tax Commissioner prior to the sale notice or his or her interest or lien, the Tax Commissioner shall withhold any excess pending a determination of the rights of the respective parties thereto by a court of competent jurisdiction. If for any reason the receipt of the person liable for the amount is not available, the Tax Commissioner shall deposit the excess money with the State Treasurer, as trustee for the owner, subject to the order of the person liable for the amount, his or her heirs, successors, or assigns. No interest earned, if any, will become the property of the person liable for the amount.”.

The amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Laid over.

LEGISLATIVE BILL 336. E & R amendment found in the Journal on page 511 for the Twenty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 336A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 33. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 96. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 31. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 214. E & R amendment found in the Journal on page 512 for the Twenty-Fourth Day was adopted.

Mr. V. Johnson moved to indefinitely postpone.

Laid over.

LEGISLATIVE BILL 120. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 85. Advanced to E & R for Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 15. With Emergency.

A BILL FOR AN ACT relating to schools; to authorize payments to certain school districts by certain entities constructing and owning electric generating facilities; to state intent; to repeal section 79-1370, Revised Statutes Supplement, 1980; and to declare an emergency.

Whereupon the President stated: “All provisions of law relative to procedure having been complied with, the question is, ‘Shall the bill pass with the emergency clause attached?’ ”

Voting in the affirmative, 44:

Barrett
Beyer
Burrows
Carsten
Chambers
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich

Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Koch

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Chronister
Higgins
Labedz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 16.

A BILL FOR AN ACT to amend section 79-102, Reissue Revised Statutes of Nebraska, 1943, and section 79-801, Revised Statutes Supplement, 1980, relating to schools; to change provisions relating to classification of school districts; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 3:

Chronister
Higgins
Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 92. With Emergency.

A BILL FOR AN ACT to amend sections 1-109, 1-110, and 1-137, Reissue Revised Statutes of Nebraska, 1943, and sections 1-107 and 1-136, Revised Statutes Supplement, 1980, relating to accountants; to provide for appointments to the Nebraska State Board of Public Accountancy; to change the publication date of an annual register; to change the inactive fee; to change unlawful practices as prescribed; to delete obsolete language; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 45:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Schmit

Excused and not voting, 3:

Chronister
Higgins
Labedz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 170.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 66-633, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2711 and 77-27,119, Revised Statutes Supplement, 1980; to provide for the collection of nonresident delinquent taxes as prescribed; to change provisions relating to confidentiality of records; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Carsten
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 2:

Chambers
Schmit

Present and not voting, 1:

Burrows

Excused and not voting, 2:

Chronister
Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 185.

A BILL FOR AN ACT to amend section 81-885.04, Reissue Revised Statutes of Nebraska, 1943, relating to the Real Estate Commission; to change an exception as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 2:

Chronister
Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 187.

A BILL FOR AN ACT to amend section 30-2821, Revised Statutes Supplement, 1980, relating to powers of trustees; to change the power to deposit or invest trust funds as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney

Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Goll

Excused and not voting, 2:

Chronister
Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 199. With Emergency.

A BILL FOR AN ACT to repeal section 8-154, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 45:

Barrett
Beyer
Burrows
Carsten
Chambers
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Goll

Excused and not voting, 2:

Chronister
Higgins

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 238. With Emergency.

A BILL FOR AN ACT to amend sections 81-885.26 and 81-885.30, Reissue Revised Statutes of Nebraska, 1943, and sections 81-885.21 and 81-885.24, Revised Statutes Supplement, 1980, relating to the State Real Estate Commission; to change provisions for trust account deposits; to clarify a compensation provision; to change answer time; to change provisions for review of orders; to repeal the original sections, and also section 81-885.31, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 2:

Chronister
Higgins

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 244.

A BILL FOR AN ACT to amend sections 44-1620 and 44-1625, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to authorize the purchase of group dental insurance for state employees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Newell
Peterson, H.
Pirsch
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 11:

Clark
Cope
Dworak
Hefner
Kahle
Kremer
Lamb
Maresh
Nichol
Peterson, R.
Remmers

Excused and not voting, 2:

Chronister
Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Withdraw LB 518

Messrs. DeCamp and H. Peterson moved to withdraw LB 518.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

Governor's Appointments
Stan Juelfs - February 20, 1981 2:00 p.m.
Game and Parks Commission

Richard Prasch - February 20, 1981 2:00 p.m.
Game and Parks Commission

Charles E. Wright - March 5, 1981 1:30 p.m.
Game and Parks Commission

(Signed) Bernice R. Labedz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 69. Title read. Considered.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mrs. Marsh requested a roll call vote.

Voting in the affirmative, 24:

Beutler
Chambers
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Peterson, H.
Rumery
Schmit
Sieck
Stoney
Warner
Wesely
Wiitala

Voting in the negative, 22:

Barrett
Beyer
Burrows
Carsten
Clark
Dworak
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Maresh
Newell
Peterson, R.
Pirsch
Remmers
Vickers
Von Minden
Wagner

Excused and not voting, 3:

Chronister
Higgins
Nichol

Failed to advance to E & R for Review with 24 ayes, 22 nays, and 3 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 34. Title read. Considered.

Standing Committee amendments found in the Journal on page 463 for the Twentieth Day were adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Vickers renewed his pending amendments found in the Journal on page 522.

Mr. Vickers offered the following amendment to his pending amendments:
On page 523 of the Journal, in Item #2 amending Section 70-638, in the second from last line, after "which bids" insert "or offers to negotiate".

The amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

The Vickers pending amendment found in the Journal on page 522, as amended, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 32 ayes, 2 nays, 13 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 273A. By DeCamp, 40th District.
This bill introduced on behalf of: LB 273.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 273, Eighty-seventh Legislature, First Session, 1981.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 304 Monday, March 9, 1981 (Cancel) 1:30 p.m.

LB 304	Wednesday, March 11, 1981 (Reset)	1:30 p.m.
LB 506	Monday, March 9, 1981 (Cancel)	1:30 p.m.
LB 506	Monday, March 16, 1981 (Reset)	1:30 p.m.
LB 278	Wednesday, March 11, 1981 (Cancel)	1:30 p.m.
LB 278	Wednesday, March 18, 1981 (Reset)	1:30 p.m.

(Signed) Calvin F. Carsten, Chairperson

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 434. Placed on General File.

LEGISLATIVE BILL 144. Placed on General File as amended.
Standing Committee amendments to LB 144:
Req. #2073

1. On page 4, line 13, strike "Public purpose" and insert "Qualified public-purpose" and strike "any" and insert "an"; and strike beginning with "approved" in line 15 through "services" in line 16 and insert "which:

(a) Has operated or proposes to operate only motor vehicles having a seating capacity of twenty or less for the transportation of passengers in the state;

(b) Has been approved as capable of providing public transportation services by the appropriate city or county governing body; and

(c) Operates or proposes to operate a public transportation service in an area which the department has identified as not being adequately served by existing public or private transportation services pursuant to section 19-3905".

2. On page 5, line 1, before "public-purpose" insert "qualified"; and in line 10 after "state" insert "and identify areas not being adequately served by existing public or private transportation services".

3. On page 6, line 25, before "public" insert "qualified".

4. On page 7, line 18, after "or" insert "qualified".

5. On page 8, strike lines 8 through 27.

6. On page 9, strike line 1; and in line 5 before "The" insert "(1)".

7. On page 10, after line 1 insert as follows:

"(2) Any public-purpose organization proposing to provide public transportation denied financial assistance as a result of a determination by the Department of Roads that an area is adequately served by existing transportation services may submit a petition to the department requesting the department to reclassify the proposed service area as not being adequately served by existing public transportation services. The petition submitted to the department by the public-purpose organization shall bear the signatures of at least fifty registered voters residing in the proposed service area. Upon receipt of the petition the department shall hold a public hearing in the proposed service area and after such hearing shall determine whether the proposed service area is already adequately served. In carrying out its duties under this section the department shall comply with the provisions of Chapter 84, article 9. The department shall not be required to conduct a reevaluation hearing for an area more frequently than once a year.".

8. On page 13, strike beginning with "Motor" in line 1 through "less" in line 4 and insert as follows:

"Motor vehicles having a seating capacity of twenty or less, which are operated by a governmental subdivision or a qualified public-purpose organization, as defined in section 19-3903, engaged in the transportation of passengers in the state".

LEGISLATIVE BILL 354. Placed on General File as amended.
Standing Committee amendments to LB 354:

1. On page 2, line 14, strike "its territorial limits" and insert "the zoning jurisdiction of a city of the metropolitan class".

2. On page 4, line 3 strike "jurisdictional limits" and insert "zoning jurisdiction"; and in line 4 after "authority" insert "when such city is of the metropolitan class".

3. On page 5, line 13, strike "jurisdictional limits" and insert "zoning jurisdiction"; and in line 14 after "authority" insert "when such city is of the metropolitan class".

4. On page 6, line 19, strike "jurisdictional limits" and insert "zoning jurisdiction" and after "city" insert "when such city is of the metropolitan class,".

(Signed) David Landis, Chairperson

Judiciary

LEGISLATIVE BILL 55. Placed on General File.

LEGISLATIVE BILL 76. Placed on General File as amended. Standing Committee amendments to LB 76:

Req. #2070

1. On page 2, lines 6 through 22, strike the new matter and reinstate the stricken matter; in line 10 after the period insert "The motor vehicle used to avoid arrest, when titled solely in the name of the arrested person, may be seized by the arresting officer and held until the disposition thereof is determined by the court."; in line 17 strike "III", show as stricken, and insert "I"; in line 18 before the period insert "and the court shall, as part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of two years"; and in line 23 before the comma insert "and subject to the mandatory provision of subsection (3) of this section".

2. On page 3, strike the new matter in lines 1 to 3 and insert "and may order the sale of the vehicle seized pursuant to subsection (1) of this section if the proceeds are sufficient to cover all costs of sale and the discharge of any and all liens of record, and may order the disposition of the proceeds in excess of such amounts. If the proceeds would be insufficient for such purposes, the court shall order release of the vehicle to the senior lienholder of record".

3. Strike original sections 2 and 4.

4. Insert a new section as follows:

"Sec. 3. Each law enforcement agency within the State of Nebraska shall adopt and implement a written policy regarding the pursuit of motor vehicles. Such policy shall contain at least the following elements:

(1) Standards which describe when a pursuit may be initiated, taking into consideration the nature and severity of the offense involved;

(2) Standards which describe when a pursuit is to be discontinued, giving special attention to (a) the degree of danger presented to the general public and the pursuing officer and (b) the probability of later apprehension of the subject based upon his or her identification;

(3) Procedures governing the operation of pursuits including, but not limited to, the number and types of vehicles which may be used, the method of operation of such vehicles, and the exercise of supervision during pursuits;

(4) Procedures governing pursuits which include other law enforcement agencies or which extend into the jurisdiction of other law enforcement agencies; and

(5) A system of continued planning and training of personnel regarding the proper handling of pursuits.".

5. On page 5, line 26, strike "sections 29-210 and" and insert "section".

6. Renumber original sections 3 and 5 as sections 2 and 4, respectively.

LEGISLATIVE BILL 83. Placed on General File as amended.
Standing Committee amendments to LB 83:

1. On page 2, line 12, strike "during" and insert "in"; in line 13 strike "a crime" and insert "any robbery, burglary, or felony criminal mischief"; in line 26 strike "during" and insert "in"; and in line 27 strike "a crime" and insert "any robbery, burglary, or felony criminal mischief".

2. Strike original section 3.

3. On page 4, line 4, strike "4" and insert "3", and strike the first comma and insert "and"; and in line 5 strike "and 28-504,".

(Signed) William E. Nichol, Chairperson

Miscellaneous Subjects

LEGISLATIVE BILL 217. Placed on General File.
LEGISLATIVE BILL 457. Placed on General File.

LEGISLATIVE BILL 136. Placed on General File as amended.
Standing Committee amendments to LB 136:
Req. #2043

1. On page 3, in lines 1 through 3, reinstate the stricken matter.

2. Insert the following new section:

"Sec. 2. That section 2-1213.01, Revised Statutes Supplement, 1980, be amended to read as follows:

2-1213.01. The voters of any ~~city or incorporated village~~ county shall have the right to vote on the question of prohibiting or allowing the conducting of racing on Sunday within such ~~city or village~~ county. The question may be submitted at any general state~~, city, or village~~ election whenever petitions calling for its submission, signed by at least ten per cent of the number of persons voting in the county at the last preceding general state~~, city, or village~~ election, are presented to the ~~city or village~~ county clerk or election commissioner not less than thirty days prior to the date of such election. ~~, except that such question may not be submitted more often than once in four years.~~ The question shall be placed on the ballot in substantially the following form:

SHALL ~~THE CONDUCTING OF~~ RACING ON SUNDAY

BE ~~PROHIBITED~~ CONDUCTED IN THE ~~CITY (VILLAGE)~~ COUNTY
OF....................
.... YES
.... NO
~~.... FOR RACING ON SUNDAY~~
~~.... AGAINST RACING ON SUNDAY~~

A majority of the voters voting on the issue shall determine such issue. ~~Where racing is conducted outside the limits of any city or incorporated village, the voters of a county shall have the right to vote on the question of prohibiting the conducting of racing on Sunday outside the limits of any incorporated city or village within such county in the same fashion as that hereinbefore provided for voting upon such question by voters within such city or village.~~''.

3. On page 4, line 17, strike "section" and insert "sections" and after "2-1213" insert "and 2-1213.01"; and strike beginning with "and" in line 18 through the second comma in line 19.

4. Renumber original section 2 as section 3.

(Signed) Elroy Hefner, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 17.

Introduced by Hoagland, 6th District.

WHEREAS, Edmund Muskie of the state of Maine has been a distinguished and patriotic public servant for over thirty years and has served with honor as Governor of Maine, Senator from Maine, and Chairman of the Senate's Budget Committee, as a candidate for the office of President and Vice-President of the United States, and most recently has served as United States Secretary of State; and

WHEREAS, Edmund Muskie will be in Lincoln, Nebraska, from April 8 through April 10 for a symposium on the Middle East at the University of Nebraska; and

WHEREAS, Edmund Muskie's experience and dedication to the service of the United States of America is widely lauded by persons of both major political parties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the members of the Legislature invite Edmund Muskie to address the Legislature during his visit to Lincoln at a mutually agreeable date and time.

Laid over.

LEGISLATIVE RESOLUTION 18.

Introduced by Wagner, 41st District; Burrows, 30th District; Carsten, 2nd District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; Fitzgerald, 14th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Hoagland, 6th District; Johnson, L., 15 District; Kahle, 37th District; Kilgarin, 7th District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Maresh, 32nd District; Marsh 29th District; Marvel, 33rd District; Nichol, 48th District; Peterson, H., 35th District; Peterson, R., 21st District; Pirsch, 10th District; Rumery, 42nd District; Sieck, 24th District; Stoney, 4th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Wiitala, 31st District.

WHEREAS, thousands of Nebraskans enjoy, support, and take pride in the athletic ability and accomplishments of the University of Nebraska at Lincoln's football team; and

WHEREAS, the 1979-1980 University of Nebraska at Lincoln's Cornhuskers once again demonstrated that the Nebraska program is one of the finest and most respected in the United States; and

WHEREAS, Coach Tom Osborne, the staff, and players developed a football team that established a record of ten wins and two losses against rugged opposition, ranked in the top ten for the eleventh consecutive year, and were invited to a post-season game for the twelfth consecutive year and seventeenth time in the past nineteen years; and

WHEREAS, individual honors during the past season which reflected well on the University of Nebraska and the state included Tom Osborne's selection as Big Eight Coach of the Year, All-America honors for three players, Academic All-America honors for two players, All Big eight recognition for eight players and Academic All Big eight honors for nine players, selection of a player as a National Football Foundation and Hall of Fame Scholar-Athlete and the same player's selection as one of National Collegiate Athletic Association's Top Five Scholar Athletes, plus many other conference and individual achievements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends each member of the University of Nebraska's football team for his performance and achievements throughout the 1979-1980 football season and post-season bowl game.

2. That the members of the Legislature congratulate Coach Tom Osborne for his selection as Big Eight Coach of the Year, and congratulate the members of his staff and the University Athletic Department's staff associated with the football team for jobs well done.

3. That the Clerk of the Legislature send a copy of this resolution to Coach Osborne, a copy to his staff, and a copy to the University of Nebraska at Lincoln football team.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 15, 16, 92, 170, 185, 187, 199, 238, and 244.

GENERAL FILE

LEGISLATIVE BILL 260. Title read. Considered.

Standing Committee amendments found in the Journal on page 467 for the Twenty-First Day were adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 80. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 104. Title read. Considered.

Standing Committee amendments found in the Journal on page 480 for the Twenty-First Day were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 236. Title read. Considered.

Standing Committee amendment found in the Journal on page 481 for the Twenty-First Day was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 221. Title read. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Miscellaneous Subjects

LB 430	Friday, February 27, 1981 (Cancel)	1:30 p.m.
LB 430	Thursday, March 12, 1981 (Reset)	1:30 p.m.
LB 538	Thursday, March 12, 1981	1:30 p.m.

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 167 in the Journal. No objections. So ordered.

On page 31 of the Amendments to LB 167, line 19, strike line 19 and "annum" in line 20 and insert: "of special assessments levied prior to the effective date of this act shall bear interest until paid at the rate specified by the levying resolution. Delinquent installments of special assessments levied after the effective date of this act shall bear interest at the rate"

VISITORS

Visitors to the Chamber were 20 students and teachers from Ryan High School, Omaha; and Doris Sellin and Betty Amen from Norfolk.

ADJOURNMENT

At 12:03 p.m, on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Wednesday, February 18, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 18, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 18, 1981

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. C. Rex Bevins, St. Paul United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins who was excused; and Mrs. Labedz, Messrs. Burrows, Cullan, Kremer, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fifth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 31, 33, 85, 96, 120, 336, and 336A.

(Signed) Karen Kilgarin, Chairperson

REPORT OF EMPLOYEES

TO: Patrick O'Donnell, Clerk of the Legislature
FROM: Laura Ashelford, Legislative Accountant
RE: Session Employee Expense

During the month of January, 1981, 140 full and part-time Senators' session employees and temporary session employees were paid a total of $70,679.85. Of this amount, $994.04 was overtime.

Detailed information is on file in the Accounting and Budgeting Office.

ATTORNEY GENERAL'S OPINION

Opinion No. 25
February 17, 1981

Dear Senator DeCamp:

You have asked our opinion as to the constitutional validity of LB 190. We perceive no constitutional problems with it.

LB 190 amends Neb.Rev.Stat. §74-1320 (Supp. 1980), by striking all of the present provisions of that section, and substituting a new section. It would provide for a tax on each railroad transporting freight in this state, as its share of constructing, rehabilitating, relocating, and modifying grade separations at grade crossings. The tax would be measured by the number of train miles operated by the railroad in the state, and the number of public grade crossings on the line of the railroad in this state. The tax would be paid into the Grade Crossing Protection Fund, to provide financial assistance to political subdivisions in the construction, etc., of railroad grade separation facilities. Train mile is defined as each mile traveled by a train in this state, regardless of the number of cars in such train.

We wrote an opinion on April 25, 1979 (Number 95), in which we concluded that LB 42, which eventually became §§74-1320 to 74-1322, was constitutional. We relied upon Complete Auto Transit, Inc., v. Brady, 430 U.S. 274, 51 L.Ed.2d 326, 97 S.Ct. 1076 (1977), in which the court held that a tax on a facility of interstate commerce would be upheld if the activity taxed had a substantial nexus with the taxing state, and the tax was fairly apportioned, did not discriminate against interstate commerce, and was fairly related to the services provided by the state. We believe LB 190 meets those tests.

The purpose of doing work on "railroad grade separation facilities" is to lessen danger to the public from railroad accidents at grade crossings. The number of grade crossings on a railroad's lines, and the number of train miles a railroad runs in this state certainly are rationally related to the danger of such accidents, and to the need for preventive work. This therefore seems a fair way of apportioning the cost of such work.

As amended under LB 190, §74-1320(3) would provide that in any year in which, on January 1, there was ten million dollars in the grade crossing protection fund, the tax should not be collected for that year. We can see no problem with such provision. Certainly the state would not be expected to collect more than was needed for the purpose for which the tax was levied. If the Legislature concludes that ten million dollars is an adequate reserve in the fund, stopping collection of the tax when such sum is reached seems eminently proper.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jmf
cc: Patrick O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to have his name added to LB 269. No objections. So ordered.

ANNOUNCEMENTS

Mr. Fowler designates LB 404 as his priority bill.

Mr. R. Peterson designates LB 269 as his priority bill.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 15.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 17, 1981, at 2:13 p.m., were the following bills: 15, 16, 92, 170, 185, 187, 199, 238, and 244.

(Signed) Hazel Kaltenberger, Enrolling Clerk

MOTION - Withdraw LB 518

Mr. DeCamp renewed his pending motion found in the Journal on page 543 to withdraw LB 518.

The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 17. Read. Considered.

LR 17 was adopted with 30 ayes, 0 nays, and 19 not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Fenger asked unanimous consent to have his name added to LR 18. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 18. Read. Considered.

LR 18 was adopted with 31 ayes, 0 nays, and 18 not voting.

GENERAL FILE

LEGISLATIVE BILL 21. Title read. Considered.

Standing Committee amendment found in the Journal on page 481 for the Twenty-First Day was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 186. Title read. Considered.

Standing Committee amendment found in the Journal on page 481 for the Twenty-First Day was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Kahle offered the following amendment:

1. On page 3, line 12, strike ", brown in color" and insert "in the same color as the leather worn".

The amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 544 and 545.

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

LB	**Committee**
544	Public Works
545	Government, Military and Veterans Affairs

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 128. Placed on General File.
LEGISLATIVE BILL 462. Placed on General File.

(Signed) Steve Fowler, Chairperson

Business and Labor

LEGISLATIVE BILL 176. Placed on General File.
LEGISLATIVE BILL 279. Placed on General File.

(Signed) Richard Maresh, Chairperson

Constitutional Revision and Recreation

LEGISLATIVE BILL 5. Placed on General File.

LEGISLATIVE BILL 476. Placed on General File as amended.
Standing Committee amendment to LB 476:

1. Insert a new section as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 49. Indefinitely postponed.
LEGISLATIVE BILL 419. Indefinitely postponed.

LEGISLATIVE BILL 72. Placed on General File as amended.
Standing Committee amendments to LB 72:

1. On page 4, line 8, after "person" insert "sixteen years of age or older".
2. On page 8, line 18, after "hunters" insert "and fur harvesters".
3. On page 9, line 25, strike "anyone", show as

stricken, and insert "any nonresident".

4. On page 10, line 5, after "hunt" insert ",harvest fur,".

5. On page 12, line 25, after "person" insert "who is a resident of the State of Nebraska and is sixteen years of age or older or who is a nonresident of this state".

6. On page 13, line 1, after the comma insert "except that a person may possess a fur-bearing animal or raw fur for up to ten days after expiration of a valid permit,".

LEGISLATIVE BILL 73. Placed on General File as amended.
Standing Committee amendments to LB 73:
Req. #2075

1. On page 5, line 17, strike "five hundred" and insert "one hundred fifty".

2. Insert the following new sections:

"Sec. 3. That section 37-507.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-507.01. Whenever the possession, use, importation, storage, taxidermy for millinery purposes, sale, or offering or exposing for sale of fish, game, song, insectivorous, or other birds is prohibited or restricted, the prohibition or restriction, when not specifically stated to be otherwise, shall mean any part of such fish, game, or song, insectivorous, or other birds; Provided, that any nonresident person who takes, hunts, kills, or pursues, or attempts to take, hunt, kill, or pursue, or has in his or her possession any wild mammal, bird, turtle, mussel, or amphibian shall first obtain and have in his or her possession a nonresident hunting permit as defined in subdivision (2) of section 37-204, except that a nonresident bait vendor's permit as defined in section 37-503 shall be the only permit required of nonresidents to take, hunt, kill, or pursue, or to attempt to take, hunt, kill, or pursue, or to have in his or her possession any salamander.

Sec. 4. This act shall become operative on January 1, 1982.".

3. On page 5, line 25, after "37-502" insert a comma, and strike "and"; and in line 26 after "37-503," insert "and 37-507.01,".

4. Renumber original section 3 as section 5.

LEGISLATIVE BILL 74. Placed on General File as amended.
Standing Committee amendments to LB 74:

1. On page 2, line 8, strike "ten" and insert "seven", and after "dollars" insert "and fifty cents"; in line 18 strike "each", show as stricken, and insert "one"; in line 25 strike "each", show as stricken, and insert "the"; and in line 26 strike

"A", show as stricken, and insert "Only one duplicate permit per year shall be issued to any person owning more than one vehicle, except that a".

2. Strike original section 3.

3. On page 3, strike beginning with "section" in line 21 through "and" in line 22.

4. Renumber original sections 4 and 5 as sections 3 and 4, respectively.

(Signed) Bernice Labedz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 124. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 206. Title read. Considered.

Mr. Warner asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Messrs. DeCamp and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 8 nays, 8 present and not voting, and 7 excused and not voting.

Mr. Carsten asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

LEGISLATIVE BILL 206A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 7 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 67. Title read. Considered.

Standing Committee amendments found in the Journal on page 481 for the Twenty-First Day were adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

MR. CLARK PRESIDING

Advanced to E & R for Review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 77. Title read. Considered.

Standing Committee amendment found in the Journal on page 482 for the Twenty-First Day was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 9. Title read. Considered.

Standing Committee amendments found in the Journal on page 485 for the Twenty-Second Day were considered.

Mr. Maresh offered the following amendment to the Standing Committee amendments:
In No. 1., following “501 (c) (3)”, insert “and 509 (a) (3)”

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

SPEAKER MARVEL PRESIDING

Standing Committee amendments, as amended, were adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Mr. Sieck moved the previous question. The question is, “Shall the debate now close?” The motion lost with 16 ayes, 14 nays, and 19 not voting.

Advanced to E & R for Review with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 38. Title read. Considered.

Standing Committee amendments found in the Journal on page 485 for the Twenty-Second Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. DeCamp offered the following amendment:
1. On page 2, line 13, strike “gross”; and in line 23 strike “gross”.

Mr. DeCamp asked unanimous consent to withdraw his amendment. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 345. Title read. Considered.

Standing Committee amendments found in the Journal on page 498 for the Twenty-Third Day were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 500. Placed on General File.

LEGISLATIVE BILL 425. Placed on General File as amended. Standing Committee amendment to LB 425:

1. Strike original section 1 and insert the following new section:

"Section 1. Notwithstanding any other provision of sections 44-343 to 44-347, if the law of another state does not require the countersignature of a licensed agent who resides in that state for insurance policies, endorsements, contracts, bonds, or their renewals, written, issued, or placed in that state by a licensed agent who resides in this state, the countersignature of a licensed agent who resides in this state is not required for insurance policies, endorsements, contracts, bonds or their renewals, written, issued, or placed in this state by a licensed agent who resides in such other state.".

(Signed) John W. DeCamp, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Dworak asked unanimous consent to have his name added to LB 202. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

Governor's Appointments
Richard Beermann - March 5, 1981 1:00 p.m.
Environmental Control Council

Harry D. Shaffer, M.D. - March 5, 1981 Environmental Control Council	1:00 p.m.
Al Wood - March 5, 1981 Environmental Control Council	1:00 p.m.

(Signed) Loran Schmit, Chairperson

VISITORS

Visitors to the Chamber were Bill and Mary Umberger from Elwood; Everett Holstein from Blair; Elvin Kruse from Bennington; and Darrell Scheuler from Bridgeport, Nebraska.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Fitzgerald, the Legislature adjourned until 9:00 a.m., Thursday, February 19, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 19, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 19, 1981

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Kalmer Knudson, St. Paul United Church of Christ, Lincoln, Nebraska.

ROLL CALL

Roll was called and all members were present except Miss Kilgarin, Messrs. Lamb, and Stoney who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Sixth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 34. Placed on Select File as amended.
E & R amendments to LB 34:

1. On page 2, reinstate lines 21 to 23.
2. In section 70-637, as found in the Vickers numbered amendment 1, line 6, strike the third comma; in lines 24 and 35 after the comma insert "then"; and in line 36 strike "639" and insert "70-639", all as in the statutes.
3. Before line 1 of section 70-638 as found in the Vickers numbered amendment 2, insert:

"Sec. 3. That section 70-638, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:"; and strike beginning with "of" in line 7 through "newspapers" in line 8 as in the statutes.

4. Before line 1 of section 70-642 as found in the Vickers numbered amendment 3, insert:

"Sec. 5. That section 70-642, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:"; and in line 5 strike "~~addition~~" and insert "~~additions~~" as in the statutes.

5. Renumber original section 3 as section 4 and original sections 4 and 5 as sections 6 and 7.

6. On page 6, insert "70-638," at the end of line 14; and in line 15 insert "70-642," after the first comma.

7. In the title, line 3, strike "70-639," and insert "70-638, 70-639, 70-642,"; strike beginning with "to" in line 4 through the semicolon in line 5; and strike beginning with "to" in line 11 through the semicolon in line 13.

LEGISLATIVE BILL 260. Placed on Select File as amended.
E & R amendment to LB 260:

1. In the title, line 9, strike "and"; and in line 10 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 80. Placed on Select File.

LEGISLATIVE BILL 104. Placed on Select File as amended.
E & R amendment to LB 104:

1. In the title, line 2, strike "section 66-410" and insert "sections 66-410, 66-428, and 66-821"; strike lines 4 and 5 and insert "motor vehicle fuels; to eliminate a restriction on the adjustment of a rate; to provide an exception; to redefine a term; and to repeal the"; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 236. Placed on Select File as amended.
E & R amendment to LB 236:

1. In the last line of the title, strike "and" and insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 221. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 257	Monday, March 9, 1981	3:00 p.m.

(Signed) John W. DeCamp, Chairperson

REPORTS

Received statistical report from Nebraska Power Review Board in regard to LB 1004.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 24 in the Journal. No objections. So ordered.

1. In the Standing Committee amendments, page 423 of the Journal, page 1, line 6 of Section 1, after "device" insert "known as an endgun".

Mr. Warner asked unanimous consent to print the following amendment to LB 165 in the Journal. No objections. So ordered.

1. On page 3, line 4, after the period insert "Such funds shall not exceed five thousand three hundred seventy-five dollars. In the event that appropriated funds are insufficient to provide fifty per cent of the high school tuition as required under the provisions of this section, then the appropriated funds shall be prorated among the students who qualify under this section.".

Mr. Warner asked unanimous consent to print the following amendments to LB 167 in the Journal. No objections. So ordered.

1. On page 15, line 14, after "thereon" insert "from the date of delinquency".
2. Strike original section 13.
3. On page 24, line 26, after "date" insert "the same became payable"; and strike line 27 and show as stricken.
4. On page 25 strike beginning with "are" in line 1 through "thereon" in line 3 and show as stricken; and in line 26 after "collected" insert "on any unpaid taxes due".
5. On page 39, in lines 14 through 16 strike the new matter and reinstate the stricken matter.
6. On page 41, line 3, strike "77-1348,".
7. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 194. Placed on General File.

LEGISLATIVE BILL 196. Indefinitely postponed.

(Signed) David Landis, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 28.

A BILL FOR AN ACT to amend section 76-214, Reissue Revised Statutes of Nebraska, 1943, relating to conveyances; to eliminate the requirement of the recital of consideration; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 3:

Kilgarin
Lamb
Stoney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 42.

A BILL FOR AN ACT relating to court procedures; to change provisions for appeal from county and municipal courts; to amend sections 24-582, 24-583, 25-534, 25-1916, 30-1601, 30-2436, 30-2486, 30-2488, 43-112, 43-202.03, 71-3605, and 77-2023, Reissue Revised Statutes of Nebraska, 1943, and sections 24-525, 24-527, and 45-103, Revised Statutes Supplement, 1980; to provide appeal procedures; to provide duties; to provide for preservation of testimony; to provide for review; to provide for the payment of costs in certain cases; to harmonize provisions; to provide for transfer from certain courts as prescribed; to change service by mail provisions; to change procedures under the Nebraska Probate Code; to provide for allowance of interest on judgments as prescribed; to repeal the original sections, and also sections 24-541 to 24-550 and 30-1602 to 30-1610, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 1:

Stoney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 156. With Emergency.

A BILL FOR AN ACT to amend section 68-613, Revised Statutes Supplement, 1980, relating to social security; to change provisions relating to withdrawals from the Contribution Fund; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 1:

Stoney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 178. Mr. Beutler moved to indefinitely postpone.

Laid over.

LEGISLATIVE BILL 214. Mr. V. Johnson renewed his pending motion found in the Journal on page 536 to indefinitely postpone.

Mr. V. Johnson asked unanimous consent to withdraw his motion to indefinitely postpone. No objections. So ordered.

Mr. Fowler offered the following amendment:
To restore the maximum period of time for a loan to 121 months.

SPEAKER MARVEL PRESIDING

The Fowler amendment lost with 12 ayes, 22 nays, 14 present and not voting, and 1 excused and not voting.

Mr. V. Johnson offered the following amendment:
Req. #2085
1. Insert the following new sections:
"Section 1. That section 8-440, Revised Statutes

Supplement, 1980, be amended to read as follows:

8-440. (1) All charges based upon due performance of the loan contract and computed as provided in section 8-435 may be included in the amount of any installments scheduled to be repaid by the borrower.

(2) For any contract entered into prior to October 1, 1981, the provisions of this subsection may be used or the provisions of subsection (3) of this section may be used. If charges have been precomputed and included in the scheduled installments, and if the contract is prepaid in full by cash, a new loan, or otherwise after the first installment due date but before the final installment due date, the refund shall be at least as great a proportion of the total charges as the sum of the remaining monthly balances of the principal and interest combined scheduled to follow the date of prepayment bears to the sum of all the monthly balances of principal and interest combined originally scheduled by the contract. For the purpose of computing the refund, any prepayment in full made on or before the fifteenth day following an installment date shall be deemed to have been made on the installment immediately preceding the date of prepayment in full and any prepayment in full made after such fifteenth day shall be deemed to have been made on the installment date immediately following the date of prepayment in full. No refund shall be required for any partial prepayment. No refund of less than one dollar need be made. The charges retained may be increased to the extent that delinquency charges on any scheduled installment or portion thereof, if contracted for, may be taken not in excess of five per cent of each installment or five dollars, whichever is less, or in lieu thereof interest after maturity on each such installment not exceeding the highest permissible contract rate as provided in section 8-435. If judgment is obtained before the final installment due date, the contract balance shall be reduced by the refund amount which would be required for prepayment in full as of the date judgment is obtained.

(3) For any contract entered into on or after October 1, 1981, the provisions of this subsection shall apply. If the contract is prepaid in full by cash, a new loan, or otherwise after the first installment due date, the borrower shall receive a rebate of an amount which shall be not less than the amount obtained by applying to the unpaid principal balances as originally scheduled or, if deferred, as deferred, for the period following prepayment, according to the actuarial method, the annual percentage rate previously stated to the borrower pursuant to the Federal Consumer Credit Protection Act.

The licensee may round the annual percentage rate to the nearest one half of one per cent if such procedure is not consistently used to obtain a greater yield than would otherwise be permitted. Any default and deferment charges which are due and unpaid may be deducted from any rebate. No rebate shall be required for any partial prepayment. No rebate of less than one dollar need be made. Acceleration of the maturity of the contract shall not in itself require a rebate. If judgment is obtained before the final installment date the contract balance shall be reduced by the rebate which would be required for prepayment in full as of the date judgment is obtained.

Sec. 4. That section 8-822, Revised Statutes Supplement, 1980, be amended to read as follows:

8-822. (1) Charges under section 8-820 shall be computed by application of the rate charged to the outstanding principal balance for the number of days actually elapsed without adding any additional charges, except that at the time the loan is made charges may be computed as a percentage per month of unpaid principal balances for the number of days elapsed on the assumption that the unpaid principal balance will be reduced, as provided in the loan contract, and such charges may be included in the scheduled installments. ~~; Provided, that if~~

(2) For any loan contract entered into prior to October 1, 1981, the provisions of this subsection may be used or the provisions of subsection (3) of this section may be used. If the loan is repaid in whole or in part prior to the due date unearned charges shall be refunded or credited to the borrower in full, but such refund need not be made until final payment of the loan contract. Such refund shall be at least as great a proportion of the total charges as the sum of the remaining monthly balances of the principal and interest combined scheduled to follow the date of prepayment bears to the sum of all the monthly balances of principal and interest combined originally scheduled by the contract. For the purpose of computing the refund, any prepayment in full made on or before the fifteenth day following an installment date shall be deemed to have been made on the installment date immediately preceding the date of prepayment in full, and any prepayment in full made after such fifteenth day shall be deemed to have been made on the installment date immediately following the date of prepayment in full. No refund shall be required for any partial prepayment. No refund of less than one dollar need be made.

(3) For any loan contract entered into on or after October 1, 1981, the provisions of this subsection

shall apply. If the loan is prepaid in full by cash, a new loan, or otherwise after the first installment due date, the borrower shall receive a rebate of an amount which shall be not less than the amount obtained by applying to the unpaid principal balances as originally scheduled or, if deferred, as deferred, for the period following prepayment, according to the actuarial method, the annual percentage rate previously stated to the borrower pursuant to the Federal Consumer Credit Protection Act. The licensee may round the annual percentage rate to the nearest one half of one per cent if such procedure is not consistently used to obtain a greater yield than would otherwise be permitted. Any default and deferment charges which are due and unpaid may be deducted from any rebate. No rebate shall be required for any partial prepayment. No rebate of less than one dollar need be made. Acceleration of the maturity of the contract shall not in itself require a rebate. If judgment is obtained before the final installment date the contract balance shall be reduced by the rebate which would be required for prepayment in full as of the date judgment is obtained.

(4) The charges retained by the bank may be increased to the extent that delinquency charges are computed on earned charges in accordance with the next succeeding sentence. Delinquency charges on any scheduled installment or portion thereof, if contracted for, may be taken not in excess of five per cent on each installment or five dollars, whichever is less, or in lieu thereof interest after maturity on each such installment not exceeding the highest permissible interest rate.

Sec. 6. That section 45-342, Revised Statutes Supplement, 1980, be amended to read as follows:

45-342. (1) Notwithstanding the provisions of any contract to the contrary, any buyer may prepay in full at any time before maturity the obligation of any contract. ~~and if~~

(2) For any contract entered into prior to October 1, 1981, the provisions of this subsection may be used or the provisions of subsection (3) of this section may be used. If such obligation is so prepaid, any unearned charges shall be refunded. The amount of such refund shall represent at least as great a proportion of the time price differential as the sum of the monthly time balances after the month prepayment is made bears to the sum of all the monthly time balances under the schedule of payments in the contract. Where the amount of credit is less than one dollar no refund need be made.

(3) For any contract entered into on or after

October 1, 1981, the provisions of this subsection shall apply. If such obligation is prepaid in full by cash, a new loan, or otherwise after the first installment due date, the borrower shall receive a rebate of an amount which shall be not less than the amount obtained by applying to the unpaid principal balances as originally scheduled or, if deferred, as deferred, for the period following prepayment, according to the actuarial method, the annual percentage rate previously stated to the borrower pursuant to the Federal Consumer Credit Protection Act. The licensee may round the annual percentage rate to the nearest one half of one per cent if such procedure is not consistently used to obtain a greater yield than would otherwise be permitted. Any default and deferment charges which are due and unpaid may be deducted from any rebate. No rebate shall be required for any partial prepayment. No rebate of less than one dollar need be made. Acceleration of the maturity of the contract shall not in itself require a rebate. If judgment is obtained before the final installment date the contract balance shall be reduced by the rebate which would be required for prepayment in full as of the date judgment is obtained.".

2. In the committee amendments on page 3, line 1, strike "8-446 and 8-815" and insert "8-440, 8-446, 8-815, 8-822, and 45-342".

3. Strike committee amendment 3.

4. In the E and R amendment in line 2 strike "section 8-446 and" and insert "sections 8-440, 8-446, 8-815, 8-822, and 45-342".

5. In the title, line 2 strike "8-815"; and in line 4 after the semicolon insert "to provide for the computation of certain charges in case of prepayment of certain contracts as prescribed;".

6. Renumber original sections 1, 2, and 3, as sections 3, 7, and 8, and renumber sections 1 and 3 added by the committee amendments as sections 2 and 5 respectively.

The amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 207. E & R amendments found in the Journal on page 525 for the Twenty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 207A. Mr. Koch offered the following amendment:

1. On page 2, in lines 1 and 2, strike "six hundred eighty-six thousand four hundred" and insert "one million four hundred fifty-nine thousand thirty-one"; and in line 3, strike "Driver Education Cash" and insert "General".

The amendment was adopted with 28 ayes, 7 nays, 13 present and not voting, and 1 excused and not voting.

Mr. Maresh requested a machine vote.

Advanced to E & R for Engrossment with 25 ayes, 7 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 188. E & R amendment found in the Journal on page 526 for the Twenty-Fifth Day was adopted.

Mr. Hefner offered the following amendment:
Strike Section 3 on LB 188 Emergency Clause.

Mr. Hefner asked unanimous consent to withdraw his amendment. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 188A. Mr. Nichol offered the following amendment:

1. On page 2, strike beginning with "three" in line 1 through "seventy-seven" in line 2 and insert "one thousand eight hundred fifty-four"; in line 9, strike "two thousand eight hundred eighty-five" and insert "one thousand seven hundred thirty-eight"; strike beginning with "eighteen" in line 11 through "forty-one" in line 12 and insert "eleven thousand one hundred twenty-four"; and strike beginning with "seventeen" in line 19 through "eighty-five" in line 20 and insert "ten thousand four hundred thirty-one".

The amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 234. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 234A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 110. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 143. E & R amendment found in the Journal on page 526 for the Twenty-Fifth Day was adopted.

Mr. Hoagland offered the following amendments:

1. On page 2, line 27, after "freeway" insert "other than a freeway located within the corporate limits of a city of the metropolitan class".

2. On page 3, before line 1 insert the following new subdivision: "(d) Fifty-five miles per hour upon any freeway located within the corporate limits of a city of the metropolitan class;"; in line 1 strike "(d)" and insert "~~(d)~~ (e)"; and in line 4 strike "(e)" and insert "~~(e)~~ (f)".

3. On page 4, line 4, after "freeway" insert "other than a freeway located within the corporate limits of a city of the metropolitan class"; after line 4 insert the following new subdivisions: "(d) Fifty-five miles per hour upon any freeway located within the corporate limits of a city of the metropolitan class;"; in line 5 strike "(d)" and insert "~~(d)~~ (e)"; in line 9 strike "(e)" and insert "~~(e)~~ (f)"; and in line 13 strike "(f)" and insert "~~(f)~~ (g)".

4. On page 5, line 2, after "freeway" insert "other than a freeway located within the corporate limits of a city of the metropolitan class"; after line 2 insert the following new subdivision: "(d) Fifty-five miles per hour upon any freeway located within the corporate limits of a city of the metropolitan class;"; in line 3 strike "(d)" and insert "~~(d)~~ (e)"; in line 7 strike "(e)" and insert "~~(e)~~ (f)"; in line 11 strike "(f)" and insert "~~(f)~~ (g)"; and in line 14 strike "(g)" and insert "~~(g)~~ (h)".

5. In the committee amendments, on page 4, line 9, after (c) insert an underscored comma; in line 10 strike the first "or" and show as stricken, after the first "(d)" insert ", or (e)", and strike the final "or" and show as stricken; and in line 11 after the first comma insert "or (f),", strike the first "or" and show as stricken, and after the second "(e)," insert "or (f),".

The amendment was adopted with 26 ayes, 2 nays, 20 present and not voting, and 1 excused and not voting.

Mr. Fenger offered the following amendment:

Pg 4 Line 3 strike sixty
Repl. with sixty five

Mrs. Marsh offered the following amendment to the Fenger amendment:
Strike ~~65~~ insert 55

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Marsh amendment to the Fenger amendment was adopted with 25 ayes, 11 nays, 12 present and not voting, and 1 excused and not voting.

Mr. Rumery asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 18 ayes, 7 nays, and 24 not voting.

Mrs. Marsh requested a roll call vote.

Voting in the affirmative, 24:

Cope
DeCamp
Dworak
Fowler
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Pirsch
Remmers
Schmit
Sieck
Stoney
Von Minden
Warner
Wesely

Voting in the negative, 24:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cullan
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Johnson, L.
Kilgarin
Koch
Kremer
Labedz
Newell
Peterson, R.
Vickers
Wagner
Wiitala

Excused and not voting, 1:

Rumery

The Fenger amendment, as amended, lost with 24 ayes, 24 nays, and 1 excused and not voting.

Mr. DeCamp moved to indefinitely postpone LB 143.

Mr. DeCamp moved to suspend the rules, Rule 7, Section 3 (a) in order to consider the motion to indefinitely postpone LB 143 today.

The motion prevailed with 33 ayes, 4 nays, 11 present and not voting, and 1 excused and not voting.

Mr. H. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

The DeCamp motion to indefinitely postpone prevailed with 27 ayes, 13 nays, 7 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 313. Placed on General File.

(Signed) Jerry D. Koch, Chairperson

EXECUTIVE BOARD REPORT

The Executive Board of the Legislative Council nominated the Acting Ombudsman, Marshall Lux, for the position of Ombudsman on Wednesday, February 18, 1981.

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LB 124 in the Journal. No objections. So ordered.

On page 3, strike beginning with "(c)" in line 9 through line 17.

Messrs. Vickers, Beutler, and Hoagland asked unanimous consent to print the following amendment to LB 167 in the Journal. No objections. So ordered.

On page 1 of LB 167, line 5, add: "Provided, however, that the interest rate on delinquent payments of regular taxes and special assessments which were levied prior to the effective date of this act, shall, until the effective date of this act, continue to bear interest until paid at the rate specified in Sec. 77-207 at the time of levy as to regular taxes and in the levying resolution as to special assessments, after which they shall bear interest at the rate herein specified."

NOTICE OF COMMITTEE HEARINGS

Public Health and Welfare

LB 249 Monday, March 23, 1981 (Cancel) 2:00 p.m.

LB 249 Thursday, March 12, 1981 (Reset) 6:30 p.m.

Governor's Appointments
Dr. M. L. Chaloupka - Monday, March 16, 1981 12:00 Noon
Rural Health Manpower Commission

Governor's Appointments
State Board of Health - Monday, March 16, 1981 12:00 Noon
Dr. Warren Bosley
Mr. George F. Sullivan
Mr. John Estabrook
Mr. Julian H. Hopkins
Ms. Phyllis Smith
Dr. David Kats

(Signed) Samuel K. Cullan, Chairperson

Constitutional Revision and Recreation

LB 539 Friday, February 27, 1981 (Cancel Room 1019) 1:30 p.m.

LB 539 Friday, February 27, 1981 (East Chamber) 1:30 p.m.

(Signed) Bernice R. Labedz, Chairperson

MESSAGE FROM THE GOVERNOR

February 19, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 15, 16, 92, 170, 185, 187, 199 and 238 were received in my office on February 17, 1981.

These bills were signed by me on February 18, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:pp

RESOLUTION

LEGISLATIVE RESOLUTION 19.

Introduced by Cullan, 49th District.

WHEREAS, the discovery of uranium deposits in the State of Nebraska has focused attention on possible mining of such deposits; and

WHEREAS, in-situ uranium mining, a process by which a potentially hazardous radioactive substance is leached from subsurface strata by means of an injected solution and then evacuated to the surface for further processing, has been used in other parts of the country; and

WHEREAS, in-situ uranium mining and the means by which the raw uranium is precipitated and dried may pose potential health hazards to the public at large; and

WHEREAS, the health of the people of the State of Nebraska is an important concern; and

WHEREAS, the Legislature should immediately study the potential health hazards of any uranium mining which might take place in this state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct a study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Marsh asked unanimous consent to have her name added to LB 197. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present on Final Reading I would have voted Aye on LB's 28, 42, 156E.

(Signed) Larry Stoney

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 20.

A BILL FOR AN ACT to amend section 48-115, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to change provisions relating to a waiver of coverage and termination of waiver; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 3:

Chambers
Peterson, H.
Rumery

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 27.

A BILL FOR AN ACT to adopt an official state mammal.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Pirsch
Remmers
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 1:

Maresh

Present and not voting, 3:

Peterson, R.
Schmit
Wiitala

Excused and not voting, 3:

Chambers
Peterson, H.
Rumery

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 29.

A BILL FOR AN ACT to amend section 25-224, Reissue Revised Statutes of Nebraska, 1943, relating to limitation of actions; to change the statute of limitations for prescribed product liability actions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 3:

Chambers
Peterson, H.
Rumery

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 30. With Emergency.

A BILL FOR AN ACT to amend section 31-740, Revised Statutes Supplement, 1980, relating to sanitary and improvement districts; to provide for an alternative method of approval of park, playground, or recreational improvement; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 34:

Barrett
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Nichol
Remmers
Sieck
Von Minden
Wagner
Wiitala

Voting in the negative, 8:

Beutler
Dworak
Maresh
Newell
Pirsch
Stoney
Vickers
Wesely

Present and not voting, 4:

Clark
Peterson, R.
Schmit
Warner

Excused and not voting, 3:

Chambers
Peterson, H.
Rumery

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 37.

A BILL FOR AN ACT to amend section 31-735, Reissue Revised Statutes of Nebraska, 1943, relating to sanitary and improvement districts; to change election procedures as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel

Newell
Nichol
Peterson, R.
Pirsch
Remmers
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 3:

Johnson, L.
Kahle
Schmit

Excused and not voting, 3:

Chambers
Peterson, H.
Rumery

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 43.

A BILL FOR AN ACT to amend sections 21-2001, 21-2002, 21-2004, 21-2022, 21-2023, 21-2035, 21-2042, 21-2046, 21-2062, 21-2065, 21-2072, 21-2073, 21-2075, 21-2076, 21-2079, 21-2080, and 21-20,105, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Business Corporation Act; to redefine terms; to change provisions relating to the powers of a corporation; to change certain powers, duties, and liabilities of the board of directors; to change provisions relating to articles of incorporation; to provide for certain rights of the stockholders; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 3:

Fitzgerald Higgins Labedz

Present and not voting, 2:

Kahle Schmit

Excused and not voting, 3:

Chambers Peterson, H. Rumery

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 197. Placed on General File.

(Signed) Calvin F. Carsten, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendments to LB 34 in the Journal. No objections. So ordered.

1. Amend section 2 of LB 34 to read as follows:

70-637. Before any district shall enter into any contract for the construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement of any power plant or system, or irrigation works, or any part or section thereof, for the use of the district, or for the purchase of any materials, machinery, or apparatus, to be used in such construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement, such district shall cause estimates of the cost thereof to be made by some competent engineer or engineers. If such estimated cost shall exceed the sum of fifty thousand dollars, no such contract shall be entered into without advertising for sealed bids~~.~~ Provided, ~~With~~ with respect to contracts entered into by a district in the exercise of its rights and powers, relating to radioactive material or the energy therefrom, or relating to any maintenance or repair contracts, if said engineer or engineers shall certify that by reason of the ~~developmental~~ nature of the subject matter of the contract compliance with this section would be impractical ~~or~~ and not in the public interest, and the engineer's certification is approved by a two-thirds vote of the board, the provisions of sections 70-637 to 70-639 relating to sealed bids shall not apply, and the district shall advertise notice of its intention to enter into such contract, the general nature of the proposed work, and the name of the person to be contacted for additional information by anyone interested in contracting for such work. Any contract for which the board has approved such engineers certificate shall be advertised in three issues not less than seven days between issues in one or more newspapers of general circulation in the district and in such additional newspapers of general circulation in the district and in such additional newspapers or trade or technical periodicals as may be selected by the board in order to give proper notice of its intention to enter into such contract, and any such contract shall not be entered into prior to twenty days after the last advertisement. With respect to contracts in excess of fifty thousand dollars entered into for the purchase of any materials, machinery, or apparatus to be used in the construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement of any power plant or system, or irrigation works, or any part or section thereof when the contract does not include onsite labor for the installation thereof, if, after advertising for sealed bids, no responsive bids are received or if the board of directors of such district determines that all bids received are in excess of the fair market value of the subject matter of such bids, the provisions of sections 70-637 to 639 shall not apply.

2. On page 4, after line 5, insert a new section. Amend section 70-638 to read as follows:

70-638. Prior to ~~such~~ advertisement for sealed bids, plans and specifications for the proposed ~~construction~~ work or materials shall be prepared and filed at the principal office or place of business of the district. Such advertisement shall be made ~~for~~ in three ~~consecutive~~ issues, not less than ~~twenty~~ seven days between issues, in one or more newspapers of general circulation in the district and in such additional newspapers of general circulation in the district and in such additional newspapers or trade or technical periodicals as may be selected by the board in order to give proper notice of the receiving of bids. Such advertisement shall designate the nature of the ~~construction~~ work proposed to be done or materials proposed to be purchased, that the plans and specifications therefor may be inspected at the office of the district, giving the location thereof, and shall designate the time within which bids shall be filed, and the date, hour and place the same shall be opened.

3. On page 5, after line 5, add a new section. Amend section 70-642 to read as follows:

70-642. In the event of sudden or unexpected damage, injury or impairment of such plant, works, system, or other property belonging to the district, or an order of a regulatory body which would prevent compliance with Section 70-637, the board of directors may, in its discretion, declare an emergency, and proceed with the necessary ~~repairs, alterations, extensions, addition, or other work,~~ construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement without first complying with the provisions of sections 70-637 to 70-641.

VISITORS

Visitors to the Chamber were David Wilken from Omaha; 34 eighth grade students, principal, and teachers from St. Mary's School, David City; Wendel Hefner (Senator Hefner's brother) from Sioux City, Iowa; Lou Withmore and Mike Nolan from Norfolk.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m. Friday, February 20, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 20, 1981

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Father Dale Hardes, Sacred Heart Catholic Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Newell, Schmit, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Seventh Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 21. Placed on Select File as amended.
E & R amendments to LB 21:

1. On page 3, line 7, strike "act" and insert "section,".
2. In the title, line 4, strike "certain" and insert "all".

LEGISLATIVE BILL 186. Placed on Select File as amended.
E & R amendment to LB 186:

1. On page 4, line 19, strike "will" and insert "shall".

LEGISLATIVE BILL 124. Placed on Select File.
LEGISLATIVE BILL 206. Placed on Select File.
LEGISLATIVE BILL 206A. Placed on Select File.

LEGISLATIVE BILL 67. Placed on Select File as amended.
E & R amendment to LB 67:

1. In the title, line 5, insert "to redefine terms;" after the semicolon.

LEGISLATIVE BILL 77. Placed on Select File as amended.
E & R amendment to LB 77:

1. In the title, line 5, strike "and"; and in line 6 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 9. Placed on Select File as amended.
E & R amendments to LB 9:

1. On page 2, line 13, strike "where" and insert "under which".
2. On page 4, line 6, strike the comma.

LEGISLATIVE BILL 38. Placed on Select File as amended.
E & R amendments to LB 38:

1. On page 2, line 6, insert "to a charitable or nonprofit organization" after "donation" and strike the same in lines 8 and 9.
2. In the title, line 3, insert "; and to provide penalties" after "donations".

LEGISLATIVE BILL 345. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 26

February 17, 1981

Dear Senator Haberman:

In your letter of February 11, 1981, you ask for our opinion as to whether the Legislature exercises an unconstitutional delegation of legislative authority by permitting state executive officers, agencies, or boards to set, determine, or adjust various rates of taxation. You have informed us that you need this information in connection with a bill now pending before the Legislature.

The guidelines with respect to delegation of this particular legislative power are set out in Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967), dealing with the delegation of power to the State Board of Equalization and Assessment to set the rates of sales and income taxes. Section 15 of the original Sales and Income Tax Act contained provisions for the setting of such tax rates by the board, which provisions were similar to those now found in Neb.Rev.Stat. §77-2715.01 (Supp. 1980). The court upheld the provisions in question, saying:

> The plaintiffs' contentions with respect to unconstitutional delegation of legislative power extend also to the provisions of L.B. 377 which require the State Board of Equalization and Assessment to set the rate of tax on or before November 15 of each year for the taxable year beginning during the subsequent calendar year. Section 15 of L.B. 377, in at least five subsections, explicitly sets out the computations to be made by the state board, the method and manner in which the computations shall be adjusted and determined, and the specific standards to be used in setting the rate of tax. The discussion as to delegation of legislative authority to the Tax Commissioner and the rules set out above also apply with respect to the delegation of authority to the State Board of Equalization and Assessment. L.B. 377 constitutes a valid and lawful delegation of authority to the State Board of Equalization and Assessment and does not violate the Constitution of Nebraska nor the United States.

Therefore, the rule with respect to the delegation of tax rate-setting power to an administrative agency is the same as the rule with respect to delegation of other legislative powers. It will be upheld if the act delegating the power contains standards limiting the delegation, and specifying how it will be exercised. We suppose that the standard with regard to tax rate-setting should be more restrictive than in some other areas. The act should specify pretty clearly how the computation is to be made, and not leave too much discretion to the administrative body. The formula found in §77-2715.01 is a good pattern. In theory, at least, fixing the rates under that section is almost a matter of mathematical computation using the criteria specified in the statute. A delegation using any such formula will, we believe, be upheld.

You also ask under what conditions such delegation would be unconstitutional. We believe our previous discussion answers this question. Clearly, such delegation without legislative standards would fail. Not much administrative discretion would be permitted in this area. Discretion is to be exercised by the Legislature, not the administrative body, which should simply use the standards specified in the statutes to reach the result intended by the Legislature.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
Ralph H. Gillan

Assistant Attorney General

RHG:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

Opinion No. 27
February 17, 1981

Dear Senator Beyer:

By letter dated February 9, 1981, you requested this office to render an opinion on LB 354 which has been introduced for consideration during the 1981 legislative session. Essentially, the bill would amend statutes authorizing municipalities and municipal airport authorities to acquire property for airport purposes so that no such property could be acquired outside the territorial limits of any particular municipality by eminent domain without the prior approval of the county board of the county where the property is located.

The statutory provisions to be amended by LB 354 presently authorize municipalities or their airport authorities to acquire property for airport purposes within or without their territorial limits. These statutes further provide that such land may be acquired by purchase, gift, devise, lease, or other means including eminent domain. Municipalities are given full power to exercise the right of eminent domain both within and without their territorial limits. LB 354 would condition the right to acquire such property outside municipal territorial limits by eminent domain on prior approval of the county board of the county where such property is located.

It strikes us that there well may be legitimate county interests at stake when municipalities or their airport authorities seek to obtain land outside their territorial limits for airport purposes by eminent domain, as opposed to other means of acquisition. If so, these county interests might well render appropriate prior county approval of such municipal action to insure that the county interests are taken into consideration. Mindful of this, the absence of any language in the pertinent portions of LB 354 articulating any such county interests and making clear that they provide the framework for the county approval process is troubling. Essentially, LB 354 would give absolute and total discretion to the county in approving or disapproving such municipal action. No standards, guidelines or criteria are incorporated in LB 354 to which the counties would be required to adhere in undertaking its approval process.

It is our view this grant of power to the counties without control or check, which apparently can be exercised at will and for reasons which may or may not reflect the genuine county interests in municipal acquisition by eminent domain of land located in the county, constitutes an unconstitutional delegation of legislative power. See, McGray Electric Co. v. Lewis & Smith Drug Co., 159 Neb. 703, 68 N.W.2d 608 (1955).

Yours truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Shanler D. Cronk
Assistant Attorney General

SDC:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

REPORT

Received report from Department of Administrative Services, State Building Division on the Request for Program Statement/Preliminary Plan Approval for the Review of the Program Statement/Preliminary Plans for Renovation of the East Hall, Nebraska Center for Women at York.

MESSAGE FROM THE GOVERNOR

February 19, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bill 244 was received in my office on February 17, 1981.

This bill was signed by me on February 19, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:pp

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolutions: LB 28, 42, 156, 20, 27, 29, 30, 37, 43, LR 18, and LR 7.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 45.

A BILL FOR AN ACT to amend section 81-1429, Reissue Revised Statutes of Nebraska, 1943, relating to the Law Enforcement Improvement Fund; to change disposition of fees collected as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Vickers
Von Minden
Wagner
Warner

Voting in the negative, 0.

Present and not voting, 3:

Chambers
Sieck
Wesely

Excused and not voting, 3:

Newell
Schmit
Wiitala

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 46. With Emergency.

A BILL FOR AN ACT to amend sections 60-406.04 and 60-415, Reissue Revised Statutes of Nebraska, 1943, and section 60-407, Revised Statutes Supplement, 1980, relating to motor vehicles; to change provisions relating to lost and temporary operators' licenses; to increase a fee; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 81.

A BILL FOR AN ACT relating to ground water conservation districts; to amend section 46-634.01, Reissue Revised Statutes of Nebraska, 1943, sections 2-3213 and 46-631, Revised Statutes Supplement, 1980, and Laws 1978, LB 411, section 4; to change when such districts shall be dissolved; to reduce the tax authorized; to eliminate an operative date; to provide operative dates; and to repeal the original sections, and also sections 46-614 to 46-630 and 46-632 to 46-634, Reissue Revised Statutes of Nebraska, 1943, section 46-631, Revised Statutes Supplement, 1980, as amended by section 2 of this act, and Laws 1978, LB 411, section 3.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Barrett
Beutler
Beyer
Burrows
Carsten
Clark
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 5:

Chronister
Cullan
Dworak
Kilgarin
Vickers

Present and not voting, 2:

Chambers
Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 82. With Emergency.

A BILL FOR AN ACT relating to certain state property; to provide for the conveyance of an easement to the city of York; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Peterson, R.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 130.

A BILL FOR AN ACT to amend sections 84-901 and 84-906.03, Revised Statutes Supplement, 1980, relating to rules of administrative agencies; to redefine a term; to provide duties; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 3:

Lamb
Schmit
Warner

Present and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 140. With Emergency.

A BILL FOR AN ACT to amend sections 47-302 and 47-305, Reissue Revised Statutes of Nebraska, 1943, relating to jails; to remove certain limitations on bond issues; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 14.

A BILL FOR AN ACT relating to certain public construction projects; to amend section 39-1307, Reissue Revised Statutes of Nebraska, 1943; to authorize the Department of Roads to construct or maintain certain streets or roads as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 18.

A BILL FOR AN ACT to establish a day in recognition of George W. Norris; and to urge observation of such day.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel

Newell
Nichol
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 3:

Hefner
Peterson, H.
Peterson, R.

Present and not voting, 2:

Chambers
DeCamp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 41.

A BILL FOR AN ACT to amend sections 23-347 and 23-348.01, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to change the time for filing certain inventory statements by county boards and officials; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 64.

A BILL FOR AN ACT to amend sections 39-630 and 39-6,151, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to permit certain vehicles to display flashing lights; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 6:

Chambers
Kilgarin
Pirsch
Sieck
Stoney
Wiitala

Present and not voting, 1:

Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 65 to Select File

Mr. Nichol moved to return LB 65 to Select File for a specific amendment. The motion prevailed with 44 ayes, 0 nays, and 5 present and not voting.

SELECT FILE

LEGISLATIVE BILL 65. Mr. Nichol offered the following amendment:

1. On page 5, line 3, strike "five-sixths of".

The amendment was adopted with 42 ayes, 0 nays, and 7 present and not voting.

Advanced to E & R for Engrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 121.

A BILL FOR AN ACT relating to school lands and funds; to amend section 72-224.03, Revised Statutes Supplement, 1980; to provide procedures for granting easements to certain public bodies as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

NOTICE OF COMMITTEE HEARINGS
Education

LB 208	Tuesday, March 3, 1981 (Cancel)	7:00 p.m.
LB 338	Tuesday, March 3, 1981 (Cancel)	7:00 p.m.
LB 208	Monday, March 16, 1981 (Reset)	1:30 p.m.
LB 338	Monday, March 16, 1981 (Reset)	1:30 p.m.

(Signed) Jerry Koch, Chairperson

EXPLANATION OF VOTE

Had I voted on LB 82 on Final Reading, I would have voted "aye."

(Signed) Richard Peterson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 84. Placed on General File.
LEGISLATIVE BILL 89. Placed on General File.
LEGISLATIVE BILL 174. Placed on General File.

LEGISLATIVE BILL 50. Placed on General File as amended.
Standing Committee amendments to LB 50:

1. On page 3, line 6, after "arrangement" insert ", pays for the time spent in travel, or pays the expense of travel"; and in line 16 after "arrangements" insert ", except as provided in section 3 of this act".
2. On page 4, line 2, after "more" insert "than".
3. Strike original sections 9 and 10.
4. Insert a new section as follows:
"Sec. 9. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".
5. Remove underscoring from sections 1 to 8.

LEGISLATIVE BILL 475. Placed on General File as amended.
Standing Committee amendment to LB 475:

1. Insert a new section as follows:
"Sec. 16. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) William E. Nichol, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Sieck asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION - Ombudsman Appointment

Mr. Lamb moved the appointment of Marshall A. Lux as Ombudsman, and ask that the Legislature vote its approval as required by Section 81-8,241. A two-thirds vote is required.

The motion prevailed with 34 ayes, 2 nays, 12 present and not voting, and 1 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 125. Title read. Considered.

Standing Committee amendment found in the Journal on page 499 for the Twenty-Third Day was considered.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

The Standing Committee amendment was adopted with 27 ayes, 5 nays, 16 present and not voting, and 1 excused and not voting.

MR. CLARK PRESIDING

Mr. Wesely offered the following amendment:
Page 2, line 4 strike "public funds" and insert "state general funds".

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Wesely amendment lost with 14 ayes, 27 nays, 7 present and not voting, and 1 excused and not voting.

Mr. Chambers offered the following amendment:
Add new section:

"nor shall any public funds be expended for any procedure which terminates any human life."

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

SPEAKER MARVEL PRESIDING

Mr. Chambers moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 9:

Chambers
Fowler
Kilgarin
Koch
Landis
Marsh
Nichol
Vickers
Wesely

Voting in the negative, 30:

Beutler
Beyer
Burrows
Carsten
Clark
Cope
Cullan
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Labedz
Lamb
Maresh
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Warner
Wiitala

Present and not voting, 9:

Barrett
Chronister
DeCamp
Dworak
Fitzgerald
Kremer
Marvel
Schmit
Wagner

Excused and not voting, 1:

Sieck

The motion lost with 9 ayes, 30 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Beutler offered the following amendment:

By adding the following language after the word "woman" in line 8:

"or to terminate a pregnancy caused by an illegal sexual assault or incest."

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Mr. Beutler requested a roll call vote.

Voting in the affirmative, 20:

Beutler
Burrows
Chambers
Clark
Fowler
Haberman
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Nichol
Pirsch
Remmers
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 24:

Barrett
Beyer
Carsten
Chronister
Cope
Cullan
Dworak
Fenger
Fitzgerald
Hefner
Higgins
Johnson, L.
Kahle
Labedz
Lamb
Maresh
Marvel
Peterson, H.
Peterson, R.
Rumery
Schmit
Stoney
Von Minden
Wagner

Present and not voting, 4:

DeCamp
Goll
Goodrich
Kremer

Excused and not voting, 1:

Sieck

The Beutler amendment lost with 20 ayes, 24 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment:

Page 2, line 6, after "28-326", strike period & insert "or blood transfusions" line 12, after ''abortion'', insert ''or blood transfusions''

Mr. DeCamp moved the previous question. The question is, ''Shall the debate now close?''

Mrs. Marsh raised a point of order regarding whether there had been a full and fair debate on the Chambers amendment.

The Chair overruled the point of order.

The motion to close debate prevailed with 26 ayes, 6 nays, and 17 not voting.

The Chambers amendment lost with 4 ayes, 30 nays, 13 present and not voting, and 2 excused and not voting.

MR. CLARK PRESIDING

Mrs. Labedz moved to suspend the rules, Rule 6, Sec. 3 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the advancement of LB 125.

Mr. Lamb moved the previous question. The question is, ''Shall the debate now close?'' The motion prevailed with 27 ayes, 14 nays, and 8 not voting.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

SPEAKER MARVEL PRESIDING

Mrs. Labedz requested a roll call vote.

Voting in the affirmative, 25:

Barrett
Beyer
Burrows
Chronister
Cope
Cullan
DeCamp
Fitzgerald
Goodrich
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Maresh
Marvel
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Von Minden
Wagner

Voting in the negative, 21:

Beutler
Carsten
Chambers
Clark
Fowler
Goll
Haberman
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Nichol
Remmers
Stoney
Vickers
Warner
Wesely

Wiitala

Present and not voting, 2:

Dworak Fenger

Excused and not voting, 1:

Sieck

The Labedz motion lost with 25 ayes, 21 nays, 2 present and not voting, and 1 excused and not voting.

Mrs. Marsh moved to indefinitely postpone LB 125.

Mr. Clark asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 9 nays, and 13 not voting.

Mrs. Marsh asked unanimous consent to withdraw her motion. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Mr. Vickers asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 33 ayes, 9 nays, 4 present and not voting, and 3 excused and not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 28
February 18, 1981

Dear Senator Goodrich:

By letter dated February 12, 1981, you requested an opinion from this office in connection with LB 30 introduced during the current legislative session and set for final reading on February 18, 1981. This bill would amend existing statutes dealing with the process by which sanitary improvement districts gain approval of plans and costs for public parks, playgrounds, and recreational facilities which they propose. Such proposed improvements are required to be approved by either the municipality or the county exercising zoning jurisdiction over the property which is to be the subject of the improvements. Essentially, LB 30 would provide an alternative method of seeking that approval, the final step of which would be the majority vote of the governing body of the municipality or county involved which the bill specifically states shall not be subject to any veto. You inquire as to whether or not the express prohibition of any veto possibility is constitutionally sound.

Two preliminary observations are in order. First, while the concern you raise has merit, the short time we had to complete our review and the unsettled authority on this issue preclude a definitive response. Second, it strikes us that no county official is empowered in the first place by Nebraska statutes to exercise the kind of veto authority for which you express concern, and thus we limited our consideration of the question to the municipal context. Against this background, we find the portion of LB 30 which is the subject of your inquiry to be troubling in two respects.

The veto power is considered to be an exercise of a separate and distinct function of government. Notwithstanding that it is typically exercised by an official of the executive branch of government, it essentially is legislative in nature and a part of the legislative process. Thus, LB 30's alteration of the normal municipal legislative process in only one specific instance is quite conspicuous.

Mindful that municipalities and municipal officers generally derive their powers from state legislation, we note that mayoral veto power is expressly provided for first and second class cities by Neb.Rev.Stat. §16-313 and §17-111 (Reissue 1977) respectively. It follows that the State Legislature is authorized to revoke municipal powers as well as grant them which, in essence, is what the relevant language of LB 30 would do. However, the granting or revocation of such powers is not without constitutional limitation. LB 30 classifies a particular kind of matter which might come before municipal governing bodies and requires that these matters be dealt with differently than all others by those bodies. It is our view that the bill effects the kind of classification in that regard which the State Constitution commands is valid only if there is such a difference in the situation and circumstances of those particular matters that suggests the necessity or propriety of different treatment. While there well may be such a rational basis for precluding the veto power in the particular instance with which LB 30 is concerned, it is not clear to us from the language of the bill, and for that reason we find it constitutionally suspect.

Additionally, we are troubled by LB 30's application to home rule cities, such as Lincoln or Omaha, whose charters authorize the mayoral veto power. When a Nebraska municipality becomes a home rule city pursuant to the provisions of Article XI of the State Constitution, it is given control over its own affairs subject only to the State Constitution and general laws. On occasion, a conflict between a provision in a home rule charter and a state statute arises which prompts an inquiry as to whether the state statute in question is a general law, and thus, supersedes the conflicting home rule charter provision. If it is demonstrated that the matter in conflict is one of "purely local concern," it is protected from the conflicting legislative provisions by the home rule provisions in the Constitution. Axberg v. City of Lincoln, 141 Neb. 55, 2 N.W.2d 613.

Our review revealed no authority on whether or not the veto power of a mayor provided by home rule charter is or is not a matter of purely local concern. Moreover, the case law on issues somewhat analogous is far from settled with the courts rarely attempting to articulate any all-inclusive rules, preferring instead to examine each conflict on a case-by-case basis. However, that a plausible argument can be made for the proposition that such a veto power is a matter of purely local concern is clear. If such argument should prevail, then the language of LB 30 in question would be unconstitutional and inoperative with respect to home rule cities whose charters authorize the kind of veto power in question.

Yours truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Shanler D. Cronk
Assistant Attorney General

SDC:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 110, 188, 188A, 207, 207A, 214, 234, and 234A.

(Signed) Karen Kilgarin, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 20, 1981, at 10:37 a.m., were the following bills: 28, 42, 156, 20, 27, 29, 30, 37, and 43.

(Signed) Hazel Kaltenberger, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers moves to reconsider our action in voting to indefinitely postpone LB 143 on Select File, on 2-19-81.

Laid over.

EXPLANATIONS OF VOTES

Had I been present I would have voted yes on LB 41, 64, and 121.

(Signed) Rex Haberman

Had I voted on LB 81 on Final Reading, I would have voted "aye."

(Signed) Harold Sieck

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 19, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

Signed) Patrick J. O'Donnell
Clerk of the Legislature

Clarke, Ronald K. - Manchester, MO, Household Finance Corporation
Dickinson, James A. - Omaha, Nebraskans for Progressive Agriculture
Fraizer, T. J. - Lincoln, Building Owners & Manufacturers Association of Omaha
Hackendahl, Richard - Lincoln, Associated Builders & Contractors
Hanna, Dana L. - Lincoln, National Organization for Reform of Marijuana Laws
Johnson, Joseph E. - Lincoln, Nebraska Library Foundation, Inc.

Noren & Burns:
Noren, Charles F. - Lincoln, ABATE of Nebraska, Inc.
Rasmussen, Delmar L. - Lincoln, O'Hara & Associates, Inc.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 121, 64, 41, 18, 14, 140, 130, 82, 81, 46, and 45.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 171. Placed on General File as amended.
Standing Committee amendments to LB 171:
Req. #2083

1. Insert a new section as follows:

“Sec. 2. That section 23-343.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-343.03. The board of trustees of such facility or facilities as provided by section 23-343, shall make, adopt, and file with the county board such by-laws, rules, and regulations for its guidance and for the government of such facility or facilities as may be deemed expedient for the economical and equitable conduct thereof. It shall have the exclusive control of the expenditures of all money collected to the credit of the fund for such facility or facilities. After the original construction of such facility or facilities, it shall have exclusive control over any and all improvements or additions thereto and equipment, including the authority to contract, subject to ratification by the county board, for any improvements or additions thereto and equipment therefor. No such improvement, addition thereto, or equipment therefor shall cost more than fifty per cent of the value of such original facility or facilities and equipment unless the same shall have been submitted to the voters of such county at a general election, or a special election called for such purpose, and approved by a vote of the majority of the electors voting on the proposition at such election. Such board of trustees shall also have exclusive control, supervision, care, and custody of the grounds, rooms, and buildings purchased or constructed, leased, or set apart for such purposes. The board of trustees shall have power to pay all current bills, claims, and salaries of all employees of such facility or facilities by an order upon its treasurer, signed by the superintendent of such facility or facilities and countersigned by the ~~chairman~~ chairperson and secretary of the board of trustees. Facsimile signatures of board members may be used to sign such orders. The board of trustees shall have power to lease such facility or facilities and equipment therein to a charitable nonprofit organization, in which event the lessee shall be responsible for all costs of operation and management; Provided, no such facility or facilities or equipment therein shall be leased unless authorized by the voters of such county at a general election, or a special election called for such purpose, and approved by a majority vote of the electors voting on such proposition at any such election.".

2. On page 3, line 18, strike "2" and insert "3", and after "section" insert "23-343.03, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 19 strike "is" and insert "are".

3. In the title, strike lines 2 through 6 and insert the following:

"FOR AN ACT relating to facsimile signatures; to authorize the use of such signatures by certain boards; to amend section 23-343.03, Reissue Revised Statutes of Nebraska, 1943, and section 16-691, Revised Statutes Supplement, 1980; and to repeal the original sections.".

LEGISLATIVE BILL 220. Placed on General File as amended.
Standing Committee amendment to LB 220:

1. On page 3, line 1, after "issue" insert "and the total estimated expenditure for the purchase or construction of such building is not in excess of seven thousand five hundred dollars"; and in line 8 strike "thirty" and insert "fifteen".

(Signed) David Landis, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 247. Indefinitely postponed.
LEGISLATIVE BILL 294. Indefinitely postponed.

(Signed) Martin Kahle, Chairperson

Miscellaneous Subjects

LEGISLATIVE BILL 482. Indefinitely postponed.

(Signed) Elroy Hefner, Chairperson

Appropriations

LEGISLATIVE BILL 155. Placed on General File as amended.
Standing Committee amendments to LB 155:
Req. #2032

1. Strike the original sections and insert the following new sections:

"Section 1. That section 60-309, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-309. Upon the filing of such application, the Department of Motor Vehicles shall, upon registration, assign to such motor vehicle a distinctive registration number. Upon sale or transfer of any such motor vehicle, such number may be canceled or may be reassigned to another motor vehicle, at the option of the department, subject to the provisions hereinafter contained. Upon renewal of such registration, the applicant for renewal may request that the same license plate number be reassigned to such vehicle and such number shall be assigned, except that if such license plate has not been manufactured, the applicant may at his or her option, be assigned such numbered plate as is available or have a validation sticker affixed to his or her existing plate for that registration period and a new license plate with the same number assigned at the beginning of the following registration period.

Sec. 2. That section 60-311, Revised Statutes Supplement, 1980, be amended to read as follows:

60-311. (1) The Department of Motor Vehicles shall in 1969, furnish to every person, whose motor vehicle shall be registered, two number plates except that only one number plate shall be issued to dealers or for motorcycles, truck-tractors, semitrailers, and buses, upon which plates shall be displayed (a) the registration number assigned to such motor vehicle in figures not less than two and one half inches nor more than three inches in height and (b) also the words Cornhusker State suitably lettered so as to be attractive. The plates shall be of a color designated by the director. The color of the plates shall be changed each time the license plates are changed. Each such plate shall be treated with a reflective material which shall provide effective and dependable reflective brightness during the service period required of the license plate.

(2) In 1976 a specially-designed passenger vehicle plate shall be issued in commemoration of the national bicentennial, which plate shall be valid for six

years. Such plate shall be on a background of cream with the license number centered thereon in red figures and letters, shall display across the top thereof the word NEBRASKA in cream letters centered on a background of red flanked in the uppper left and right hand corners respectively by a stylized drawing in blue of a covered wagon and an Indian chief in full headdress, and shall display across the bottom thereof 1776 BICENTENNIAL 1976 in cream letters on a background of blue. Beginning with the number plates issued in the year 1982, except as provided in section 1 of this act, such plates shall be issued every six years. In the years in which plates are not issued, in lieu of furnishing such plates, the department shall furnish to every person, whose motor vehicle shall be registered, one or two renewal tabs, as the case may be, which renewal tabs shall bear the year for which furnished and be so constructed as to permit them to be permanently affixed to the plates.

Sec. 3. That original section 60-309, Reissue Revised Statutes of Nebraska, 1943, and section 60-311, Revised Statutes Supplement, 1980, are repealed.".

(Signed) Jerome Warner, Chairperson

Revenue

LEGISLATIVE BILL 17. Placed on General File as amended. Standing Committee amendments to LB 17:

1. On page 2, line 7, strike "fifteen" and insert "seven".

2. On page 3, line 23, strike "one hundred twenty" and insert "ninety".

3. On page 4, line 2, strike "one hundred" and insert "ninety"; and in line 3 strike "twenty".

4. On page 5, line 27, strike "one hundred twenty" and insert "ninety".

LEGISLATIVE BILL 169. Placed on General File as amended. Standing Committee amendments to LB 169:

1. On page 2, line 4, strike "two" and insert "three"; in line 5 strike "and one half"; in line 14 strike "all refunds as" and show as stricken; in line 15 strike "provided in" and "sections 3-150 and" and show as stricken; in line 16, strike "3-151, and" and show as stricken; and in line 26, strike "two and one half" and insert "three".

2. On page 3, line 7, strike "two and one half" and insert "three"; and in line 21 strike "section"

and insert "sections 3-150," and after the first comma insert "and 3-151,".

LEGISLATIVE BILL 86. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

Public Works

LEGISLATIVE BILL 22. Placed on General File as amended.
Standing Committee amendments to LB 22:

1. On page 7, line 23, strike "only"; and in line 24 after "motorcycle" insert "only".

2. On page 8, line 24, strike "motorcycle safety instructors" and insert "schools, businesses, or organizations".

3. On page 9, line 13, strike "1981" and insert "1982"; in line 19 after "of" insert "the lesser of the actual cost of the course or"; in lines 24 and 25 strike "motorcycle safety instructors" and insert "school, business, or organization"; and in line 26 after "of" insert "the lesser of the actual cost of the course or".

4. On page 10, line 1, strike "motorcycle safety instructors" and insert "schools, businesses, or organizations", and after "teaching" insert "approved".

LEGISLATIVE BILL 190. Placed on General File as amended.
Standing Committee amendments to LB 190:
Req. #2088

1. Insert a new section as follows:

"Section 1. That section 18-623, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-623. The governing body of any such city or village shall, after agreeing with such railroad company or companies as provided in section 18-618, ~~or after an order, other than one of dismissal, of the governing body, sitting as a board of equalization as provided in sections 18-620 to 18-622,~~ at the next general election or at a special election called for the purpose, submit to the electors of the said city or village the question of whether such village or city and said railroad company or companies shall construct and maintain a viaduct or subway in accordance with any agreement made ~~or in accordance with the order of the governing body of such city or village,~~ and whether such city or village shall have the power to levy taxes or borrow money and pledge the property and credit of said city or village upon its negotiable bonds to pay its proportion of all costs connected therewith. The ballot shall contain concise statements, to be prepared by the city attorney, of the original ordinance declaring the necessity, ~~and, if said structure is to be constructed under the provisions of any agreement,~~ a concise statement of the provisions of the agreement, ~~or, if it is to be constructed by virtue of an order of the governing body, a concise statement of said order,~~ and ~~in any instance~~ a statement of the estimated amount of the costs of the construction and maintenance of said structure, including the cost of acquisition of or damage to property to be borne by said city or village and the method by which said share of such costs of such city or village is to be obtained. ~~The city or village may, at its option, proceed with said election notwithstanding the pendency of any appeal of any railroad company as hereinbefore provided.~~".

2. On page 3, line 14, after the period insert "Delinquent quarterly installments shall draw interest at the maximum interest rate provided for in section 45-101.03.".

3. On page 4, line 13, after "original" insert "section 18-623, Reissue Revised Statutes of Nebraska, 1943, and".

4. Renumber original sections 1 to 5 as sections 2 to 6, respectively.

LEGISLATIVE BILL 123. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairperson

Revenue

LEGISLATIVE BILL 151. Placed on General File as amended.
Standing Committee amendments to LB 151:

1. Strike original sections 1 and 11.

2. Strike all underscoring.

3. On page 3, line 20, strike "nonfossil plant material, plant or animal waste,", in line 21 after "deposits" insert a semicolon; and strike beginning with "as" in line 21 through the semicolon in line 22.

4. On page 4, line 4, strike "fireplaces, woodburning stoves,"; strike line 5; in line 7 after "sources" insert ", except as necessary for the operation of an alternative energy source facility"; strike lines 8 through 11; in line 12 strike "(5)" and insert "(4)"; in line 14 after "facility" insert a semicolon; strike beginning with "or" in line 14 through the semicolon in line 15; in line 16 strike "(6)" and insert "(5)"; and in line 21 strike "(7)" and insert "(6)".

5. On page 5, strike beginning with "or" in line 1 through "limitation" in line 5; and in line 18

strike "5" and insert "4".

6. On page 6, strike beginning with "(a)" in line 4 through "(b)" in line 6.

7. On page 7, line 19, after the period insert "Such notice shall be sent by certified mail to the applicant at the address shown in the application."; strike beginning with "or" in line 24 through "measure" in line 25; and in line 26 strike "5" and insert "4".

8. On page 8, line 27, strike "3" and insert "2".

9. On page 9, strike beginning with "By" in line 1 through the period in line 5; in line 9 strike "6 and 7" and insert "5 and 6"; and in line 17 strike "5" and insert "4".

10. Renumber the remaining sections accordingly.

(Signed) Calvin F. Carsten, Chairperson

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 3, Section 12, to permit the cancellation of public hearings.

Laid over.

MOTION - Withdraw Bills

Mr. DeCamp moved to withdraw LB's 537, 538, 539 and 540 and cancel the public hearings on those bills.

Laid over.

VISITORS

Visitors to the Chamber were Cindy Hefner (Senator Hefner's daughter); 26 Eleventh and Twelfth grade students, teacher, and assistants from Murdock Consolidated Schools; Darrel and Betty Curry from Newcastle; Walter and Shirley Schlager and Edwin and Lillian Blehm from Scottsbluff.

ADJOURNMENT

At 12:34 p.m., on a motion by Mrs. Higgins, the Legislature adjourned until 9:30 a.m., Monday, February 23, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 23, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 23, 1981

Pursuant to adjournment, the Legislature met at 9:35 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Dr. Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Goodrich, Newell, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 594, line 5, strike "LR 7" and insert "LR 17".
The Journal for the Twenty-Eighth Day was approved as corrected.

EXPLANATION OF VOTE

Had I voted, I would have voted Aye on LB 45.

(Signed) Harold Sieck

MESSAGE FROM THE GOVERNOR

February 20, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 20, 28, 29, 37, 42, 43, and 156 were received in my office on February 20, 1981.

These bills were signed by me on February 20, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:pp

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 20, 1981, at 1:30 p.m., were the following bills: 45, 46, 81, 82, 130, 140, 14, 18, 41, 64, and 121.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 65.

(Signed) Karen Kilgarin, Chairperson

MOTION - Return LB 24 to Select File

Mr. Haberman moved to return LB 24 to Select File for a specific amendment.

The motion prevailed with 37 ayes, 3 nays, 8 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 24. Mr. Haberman offered the following amendment:

Add the emergency clause.

The amendment prevailed with 35 ayes, 2 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 24 to Select File

Mr. Warner moved to return LB 24 to Select File for the specific amendment found in the Journal on page 567.

The motion prevailed with 30 ayes, 1 nay, 17 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 24. The Warner specific amendment found in the Journal on page 567 was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Mr. Cullan requested a machine vote.

Advanced to E & R for Engrossment with 35 ayes, 5 nays, 8 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 31.

A BILL FOR AN ACT to amend section 16-667.01, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to change procedures for the formation of districts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 2:

Schmit
Warner

Present and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 33.

A BILL FOR AN ACT to amend section 17-503, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the second class and villages; to prescribe a method of conveying public property; to change publication requirements; to delete provisions for ratification of sales; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 2:

Beyer
Wiitala

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 85.

A BILL FOR AN ACT relating to public transportation; to amend sections 19-3908, 75-303, and 79-487, Reissue Revised Statutes of Nebraska, 1943; to authorize certain contracts; to exempt certain motor carriers from regulation by the Public Service Commission; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 29:

Beutler
Beyer
Burrows
Chambers
Chronister
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Pirsch
Remmers
Rumery
Vickers
Von Minden
Wesely
Wiitala

Voting in the negative, 19:

Barrett
Carsten
Clark
Cope
Goll
Goodrich
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Maresh
Peterson, H.
Peterson, R.
Schmit
Sieck
Stoney
Wagner
Warner

Present and not voting, 1:

Koch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 96.

A BILL FOR AN ACT relating to real property; to provide a conclusive presumption of cotenancy as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Koch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 120. With Emergency.

A BILL FOR AN ACT to amend section 25-2165, Reissue Revised Statutes of Nebraska, 1943, relating to writs of mandamus; to provide for the recovery of attorney's fees as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

DeCamp

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendments to LB 190 in the Journal. No objections. So ordered.

1. Strike the amendments to section 18-623.
2. In the title and in the repealer clause, strike "sections 18-619 to 18-622, 18-633, and" and insert "section".

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 179. Placed on General File as amended.
Standing Committee amendments to LB 179:
Req. #2091

1. Strike original section 1.

2. On page 7, line 12, strike the comma and insert ". ~~,~~"; and in line 13 strike "as follows" and insert "~~as follows~~ For good cause shown, the Tax Commissioner may allow an extension of time in which to file such statement. Such statement shall include".

3. Insert the following new section:

"Sec. 5. That section 77-624, Revised Statutes Supplement, 1980, be amended to read as follows:

77-624. The president or other chief officer of every car company, mercantile or other company, or corporation, other than a railroad company operating a line of railroad, and every firm, corporation, or individual owning or operating any railroad cars, except sleeping cars, through, in, or into the State of Nebraska shall, on or before ~~June 1~~ April 15 of each year, make to the State Board of Equalization and Assessment a true, full, and accurate statement, verified by the affidavit of the officer or person making it, showing (1) the aggregate number of miles made by their cars on the several lines of railroad in this state during the preceding year ending December 31, (2) the average number of miles traveled per day by the cars of a particular class covered by the statement in the ordinary course of business during the year, and (3) the total number of cars owned by the company, individual, or firm. For good cause shown, the Tax Commissioner may allow an extension of time in which to file such statement.".

4. On page 10, line 6, strike "1" and insert "~~4~~ 15"; and in line 13 after the period insert "For good cause show, the Tax Commissioner may allow an extension of time in which to file such statement.".

5. On page 65, line 19, strike "23-927.01," and after the third comma insert "77-624,".

6. Renumber original sections 2 to 5 as sections 1 to 4, respectively.

(Signed) Calvin F. Carsten, Chairperson

MOTION - Suspend Rules

Mr. DeCamp renewed his pending motion found in the Journal on page 618 to suspend the rules to permit the cancellation of public hearings.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

The motion to suspend the rules prevailed with 37 ayes, 1 nay, and 11 present and not voting.

Mrs. Labedz asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION - Withdraw Bills

Mr. DeCamp renewed his pending motion found in the Journal on page 618 to withdraw LB's 537, 538, 539, and 540 and cancel the public hearings on those bills.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The DeCamp motion prevailed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

ANNOUNCEMENT

Mr. Schmit announced the Agriculture and Environment Committee will have an Executive Session at 8:50 a.m., Tuesday morning, February 24, 1981 under the north balcony.

ANNOUNCEMENT

Speaker Marvel announced today is Senator Cope's birthday.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 204. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2079.)

(Signed) Martin Kahle, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 31, 33, 85, 96, and 120.

SELECT FILE

LEGISLATIVE BILL 178. Mr. Beutler withdrew his pending motion to indefinitely postpone.

Mr. Beutler offered the following amendments:
Req. #2094

1. On page 2, strike lines 22 through 27, show as stricken, and insert:

"(ii) A lien imposed pursuant to this subsection shall be valid against any subsequent creditor when notice of such lien and the amount due has been filed by the Tax Commissioner in the county in which the property subject to the lien is situated. In the case of any prior mortgage on real property or secured transaction covering personal property so written as to secure a present debt and also future advances, the lien provided in this subsection, when notice thereof has been filed in the proper clerk's office, shall be subject to such prior lien unless the Tax Commissioner also notified the lienholder of the recording of such tax lien in writing, in which case the lien of any indebtedness thereafter created under such mortgage or secured transaction shall be junior to the lien provided for in this subsection.".

2. On page 3, strike lines 1 through 6 and show as stricken.

3. On page 4, strike beginning with "have" in line 6 through "continue" in line 8, show as stricken, and insert "remain in effect"; in line 8 strike the second "the" and show as stricken; and strike beginning

with "of" in line 9 through "discharged" in line 10, show as stricken, and insert "for record or until such amounts have been paid or a judgment against such person arising out of such liability is satisfied or becomes unenforceable by reason of lapse of time".

4. On page 7, line 12, after "Commissioner" insert "after making demand for payment" and after "any" insert "delinquent"; and strike beginning with "due" in line 13 through "Nebraska" in line 14.

5. On page 9, line 2, after "taxpayer" insert "and to any other person with an interest in the property who has filed for record in the county in which such property is situated,"; in line 6, after "taxpayer" insert "and to any other person with such interest"; and in line 20 after the first comma insert "or unless such security as may be determined by the Tax Commissioner is placed with the Tax Commissioner or his or her duly authorized representative on or before such time,".

6. On page 12, strike lines 14 through 25, show as stricken, and insert:

"(ii) A lien imposed pursuant to this subsection shall be valid against any subsequent creditor when notice of such lien and the amount due has been filed by the Tax Commissioner in the county in which the property subject to the lien is situated. In the case of any prior mortgage on real property or secured transaction covering personal property so written as to secure a present debt and also future advances, the lien provided in this subsection, when notice thereof has been filed in the proper clerk's office, shall be subject to such prior lien unless the Tax Commissioner also notified the lienholder of the recording of such tax lien in writing, in which case the lien of any indebtedness thereafter created under such mortgage or secured transaction shall be junior to the lien provided for in this subsection.".

7. On page 13, strike beginning with "have" in line 25 through "continue" in line 27, show as stricken, and insert "remain in effect"; and in line 27 strike the second "the" and show as stricken.

8. On page 14, strike beginning with "of" in line 1 through "discharged" in line 2, show as stricken, and insert "for record or until such amounts have been paid or a judgment against such person arising out of such liability is satisfied or becomes unenforceable by reason of lapse of time".

9. On page 17, line 5, after "Commissioner" insert "after making demand for payment" and after "any" insert "delinquent"; and in line 6 strike beginning with "due" through "Nebraska".

10. On page 18, line 20, after "taxpayer" insert

“and to any other person with an interest in the property who has filed for record in the county in which such property is situated,”; and in line 24 after “taxpayer” insert “and to any other person with such interest”.

11. On page 19, line 11, after the first comma insert “or unless such security as may be determined by the Tax Commissioner is placed with the Tax Commissioner or his or her duly authorized representative on or before such time,”.

12. On page 21, strike beginning with “(1) (a)” in line 14 through line 27 and show the old matter as stricken.

13. On page 22, strike lines 1 through 27 and show as stricken.

14. On page 23, strike lines 1 through 8 and show the old matter as stricken; and in line 9 strike “(2) (a)” and show as stricken.

15. On page 24, line 26, before “If” insert “(1) (a)”.

16. On page 29, line 2, strike “(3)” and insert “~~(3)~~ (2)”; in line 6 strike “recording of a certificate”, show as stricken, and insert “filing for record” and strike “(2)” and insert “~~(2)~~ (1)”.

17. On page 31, line 8 strike “(4) (a)” and show as stricken; in line 21 before “In” insert “(3) (a)”; in line 23 after “Commissioner” insert “after making demand for payment”; in line 24 after “any” insert “delinquent”; and strike beginning with “due” in line 24 through “Nebraska” in line 25.

18. On page 33, line 11, strike “person”, show as stricken, and insert “taxpayer and to any other person with an interest in the property who has filed for record in the county in which such property is situated,”; in line 15 after “requested” insert an underscored comma and strike the old comma, show as stricken, and insert “and to any other person with such interest”; and strike beginning with “in” in line 16 through the comma in line 18 and show the old matter as stricken.

19. On page 34, line 4, after the first comma insert “including”; in line 5 strike “are”, show as stricken, and insert “is”; in line 6 after the first comma insert “or unless such security as may be determined by the Tax Commissioner is placed with the Tax Commissioner or his or her duly authorized representative on or before such time,”.

20. On page 35, line 4, after “state” insert “and if there is no other interest in or lien upon such proceeds”; and in line 6 strike “receipts”, show as stricken, and insert “receipt”.

21. In the Goodrich amendments beginning on page

404 of the Journal, on page 2, line 7, after "Commissioner" insert "after making demand for payment" and after "any" insert "delinquent"; in line 8 strike "taxes due", show as stricken, and insert "tax"; and in line 10 strike "any", show as stricken, and insert "the".

22. In the Beutler amendments beginning on page 533 of the Journal:

(a) In amendment 12, line 2, strike "reinstate '(5)'" and insert "insert '(4)'".

(b) In amendment 13 (a) strike beginning with "strike" in line 1 through "77-27,102" in line 5 and insert "after 'taxpayer' insert an underscored period; and strike beginning with 'who' in line 10 through line 16 and show as stricken.".

(c) In amendment 13 (c), line 3, strike "person" and insert "taxpayer and to any other person with an interest in the property who has filed for record in the county in which such property is situated,"; in line 7 after "taxpayer" insert "and to any other person with such an interest"; in line 19 after the first comma insert "including"; in line 20 strike "are" and insert "is"; and in line 21 after the first comma insert "or unless such security as may be determined by the Tax Commissioner is placed with the Tax Commissioner or his or her duly authorized representative on or before such time,".

(d) In amendment 13 (c), page 535 of the Journal, in new subdivision (b), line 3, after "state" insert "and if there is no other interest in or lien upon such proceeds"; and in line 5 of new subdivision (b) strike "receipts" and insert "receipt".

The amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 109. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 34. E & R amendments found in the Journal on page 565 for the Twenty-Sixth Day were adopted.

Mr. Wesely renewed his pending amendment found in the Journal on page 586.

Mr. Rumery offered the following amendment to the Wesely amendment:

strike provision of 2/3 of Board members voting and inserting a majority of the members of the Board.

The Rumery amendment lost with 5 ayes, 23 nays, 20 present and not voting, and 1 excused and not voting.

The Wesely amendment was adopted with 27 ayes, 2 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 260. E & R amendment found in the Journal on page 566 for the Twenty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 80. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 104. E & R amendment found in the Journal on page 566 for the Twenty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 236. E & R amendment found in the Journal on page 566 for the Twenty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 221. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 21. E & R amendments found in the Journal on page 589 for the Twenty-Eighth Day were adopted.

Mr. Lamb offered the following amendment:

1. On page 3, line 12, strike "by" and insert "~~by~~ adopt a", and strike "provide" show as stricken and insert "not less than sixty days prior to the deadline for filing for the office of county attorney providing".

The amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 186. E & R amendment found in the Journal on page 589 for the Twenty-Eighth Day was adopted.

Mrs. Pirsch offered the following amendment:

Amend LB 186 on page 3, Line 17, add after bearing, "state or"

The amendment was adopted with 31 ayes, 1 nay, 16 present and not voting, and 1 excused and not voting.

Mr. Cullan requested a machine vote.

Advanced to E & R for Engrossment with 26 ayes, 8 nays, 14 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 124. Mr. Fowler renewed his pending amendment found in the Journal on page 578.

MR. CLARK PRESIDING

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 10 nays, and 20 not voting.

SPEAKER MARVEL PRESIDING

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 5 nays, and 16 not voting.

Mr. Fowler moved for a Call of the House. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

Mr. Fowler requested a roll call vote.

Voting in the affirmative, 19:

Beutler
Chambers
Cullan
Dworak
Fowler
Hoagland
Johnson, V.
Kilgarin
Landis
Maresh
Marsh
Marvel
Nichol
Remmers
Rumery
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 26:

Barrett
Beyer
Burrows
Chronister
Clark
Cope
DeCamp
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Lamb
Newell
Peterson, H.
Peterson, R.
Schmit
Stoney
Von Minden
Wagner
Warner

Present and not voting, 3:

Carsten	Koch	Pirsch

Excused and not voting, 1:

Labedz

The Fowler amendment lost with 19 ayes, 26 nays, 3 present and not voting, and 1 excused and not voting.

Mr. Hefner asked unanimous consent to have LB 124 laid over. No objections. So ordered.

The Chair declared the Call raised.

LEGISLATIVE BILL 206. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 206A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 67. E & R amendment found in the Journal on page 590 for the Twenty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 77. E & R amendment found in the Journal on page 590 for the Twenty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 38. E & R amendments found in the Journal on page 590 for the Twenty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 197A. By Kilgarin, 7th District.
This bill introduced on behalf of: LB 197.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 197, Eighty-seventh Legislature, First Session, 1981.

RESOLUTION

LEGISLATIVE RESOLUTION 20.

Introduced by Wagner, 41st District; H. Peterson, 35th District; Rumery, 42nd District; Kremer, 34th District; Lamb, 43rd District.

WHEREAS, Herbert Perry Davis served as professor of dairy husbandry at the University of Nebraska College of Agriculture and was chairman of that department from 1921 to 1949; and

WHEREAS, Herbert Davis died February 15, 1981, at the age of ninety-one; and

WHEREAS, Herbert Davis was nationally known for his research in the area of growth measurements of dairy cattle, was a member of various agricultural, educational, and community organizations, and served as president of the Nebraska State Dairymen's Association.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its sympathy to the family of Herbert Davis and acknowledges his contributions to the dairy industry and agriculture in Nebraska and the nation.
2. That a copy of this resolution be presented to the family of Herbert Davis.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wesely asked unanimous consent to have his name added to LB 34. No objections. So ordered.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

February 23, 1981

Your Committee on Miscellaneous Subjects recommends the appointment of Mr. Ray Simmons to the Nebraska Political Accountability and Disclosure Commission be confirmed by the Legislature, and suggests a record vote.

Public Hearing: February 20, 1981

Senator Fitzgerald moved to recommend the appointment of Mr. Ray Simmons be confirmed, seconded by Senator Newell.

Voting yes: Senators Barrett, Beyer, Fenger, Fitzgerald, Hefner, Newell, and Von Minden. Absent and not voting: Senator Cullan.

(Signed) Elroy Hefner, Chairperson

Constitutional Revision and Recreation

February 23, 1981

The Committee on Constitutional Revision and Recreation desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Stan Juelfs, Game and Parks Commission
Richard Prasch, Game and Parks Commission

Vote For: Labedz, Carsten, Higgins, H. Peterson, Pirsch, Sieck and Vickers. (7) (unanimous)

(Signed) Bernice R. Labedz, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 29
February 20, 1981

Dear Senator Clark:

You have requested an opinion concerning the proposed amendment to Neb.Rev.Stat. § 60-311 (Supp. 1980) which is contained in LB 290. In particular you have asked the following:

1. Does the present language in Section 60-311 prohibit taking bids on reflective systems that cover only a portion of the license plate?
2. Would it be necessary to insert language permitting bids by systems that only reflectorize a portion of the license plate?

The pertinent language dealing with reflectorization is as follows: "Each plate shall be treated with a reflective material which shall provide effective and dependable reflective brightness during the service period required of the plate."

The answers to your particular questions would lie in an interpretation of the above quoted language. It is not clear whether or not the phrase "shall be treated with a reflective material" refers to a portion of the license plate or to the plate itself. That being the case, it is necessary to examine the intent of the Legislature when the original bill was passed which provided for reflectorized plates. In general, legislative intention must be discerned from a general consideration of the whole act, and its intent must be deduced from the whole rather than from a particular part. Equal Opportunity Commission v. Weyerhaeuser Company, 198 Neb. 104, 251 N.W.2d 730 (1977).

The adoption of the requirement of reflectorized plates was prompted by the increased safety benefit provided by such plates. The Committee of Statement on LB 637 of the Seventy-Fifth Session of the Nebraska State Legislature reads in part:

> "Since the proportion of accidents at night is approximately twice as many for the same number of miles traveled, it was felt by the committee that anything the Legislature could do to reduce this accident rate should be done. If only a small percent of the accidents which occur at night were prevented by the use of reflectorized plates, the saving in personal property alone would be more than the additional costs of the reflective material."

The Statement of Purpose for LB 637 indicates that:

> "The purpose of this bill is to provide dependable reflectorized license plates for all motor vehicles in Nebraska in order to improve safety on our highways."

Both the Committee Statement and the Statement of Purpose refer to reflectorized plates and do not refer to reflectorized portions, characters, or background. Therefore, it is logical to assume that the Legislature intended that the plate itself be a reflective material.

The present language in section 60-311 does not appear to specifically prohibit the consideration of reflective systems that cover only a portion of the license plate. However, given the intent of the Legislature in adopting a "reflectorized license plate," and in light of the emphasis placed on the safety benefit of such plates, it would appear that the end result to be achieved its optimum reflectivity. It would also follow that a reflectorized plate, as opposed to a reflectorized portion of a plate, would provide that result. Therefore, it would appear that additional language is necessary in order to provide for the consideration of a system which reflectorizes only a portion of the plate. This conclusion is, of course, based on the assumption that optimum reflectivity is directly related to the amount of reflective area contained on a license plate.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ruth Anne E. Galter
Assistant Attorney General

REG:pes

cc: Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 75. Placed on General File as amended. Standing Committee amendments to LB 75:

1. On page 2, line 3, strike "and the Habitat Fund"; in lines 4 and 5 strike "and habitat stamp fees"; in line 15 strike "fifteen" and insert "ten"; in line 21 strike "eighty" and insert "seventy-five"; in line 22 strike "fifteen" and insert "ten"; in line 23 strike "and Habitat Fund"; in line 25 strike "permit and habitat stamps" and insert "permits"; and in line 27 strike the second "and".

2. On page 3, line 1, strike "habitat stamp".

LEGISLATIVE BILL 100. Indefinitely postponed.

(Signed) Bernice Labedz, Chairperson

Revenue

LEGISLATIVE BILL 40. Placed on General File as amended. Standing Committee amendments to LB 40:

1. On page 2, line 19, insert an underscored period after "cent" and strike "if" and insert "~~if~~ No tax increased pursuant to this subsection shall remain in effect after December 31, 1981, unless"; in line 22 strike "primary or" and insert "~~primary or~~ municipal"; in line 23 strike "1980" and insert "~~1980~~ 1981"; in line 26 strike "primary or" and insert "~~primary or~~ municipal".

2. On page 3, line 1, strike "primary or" and insert "~~primary or~~ municipal"; in line 2 strike "1980" and insert "~~1980~~ 1981"; in line 6 strike "primary or" and insert "~~primary or~~ municipal" and strike "1980" and insert "~~1980~~ 1981"; in line 7 strike "section" and insert "~~section~~ subsection"; and in line 8 strike "1980" and insert "~~1980~~ 1981".

3. Insert a new section as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Calvin F. Carsten, Chairperson

VISITORS

Visitors to the Chamber were Mrs. Judy Zabel from Western; Former Senator and Mrs. Arnold Ruhnke; Mr. and Mrs. Melvin Thiemann from Pawnee City; and Mrs. Rollie Ayres, Mrs. Art Schrepel, and Wilma Klein from Lincoln.

ADJOURNMENT

At 12:14 p.m., on a motion by Mr. Beyer, the Legislature adjourned until 9:00 a.m., Tuesday, February 24, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 24, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 24, 1981

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Joseph A. Mroczkowski, St. John The Apostle Catholic Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Fitzgerald who was excused; and Mrs. Marsh, Messrs. Hoagland, Koch, and Sieck who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 631, line 17, strike "Twenty-Sixth" and insert "Twenty-Seventh". The Journal for the Twenty-Ninth Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

February 20, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 14, 18, 41, 45, 46, 64, 81, 82, 121, 130, and 140 were received in my office on February 20, 1981.

These bills were signed by me on February 20, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:pp

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 23, 1981, at 2:37 p.m., were the following bills: 31, 33, 85, 96, and 120.

(Signed) Hazel R. Kaltenberger
Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

Title Change to LB 24

The following changes, now required to be reported to you for publication in the Journal, have been made:

In line 2 of the title, as found in the Journal, page 423, "and" has been stricken and "; and to declare an emergency" has been inserted after "penalty".

(Signed) Emory P. Burnett,
E & R Attorney

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 24.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 158. Placed on General File as amended.
Standing Committee amendments to LB 158:
Req. No. 2095

1. Insert the following new sections:

"Section 1. Within two years following the effective date of this act, the State Energy Office shall perform energy audits of all state-owned buildings which have not been audited as of the effective date of this act.

Sec. 2. The cost of each audit shall be paid by the state agency responsible for the maintenance of the building audited. This cost shall be based on the actual cost of the audit performed, but in no event shall it exceed five cents per square foot audited.

Sec. 3. Each agency audited shall be provided an opportunity to examine and review the energy audit report. The energy audit report, along with any written agency comments, shall be filed with the budget administrator and the Legislative Fiscal Analyst within sixty days after completion of the audit report.

Sec. 5. This act shall terminate twenty-seven months after its effective date. Any money remaining in the Energy Audits Revolving Fund upon termination of this act shall be transferred to the General Fund.".

2. On page 2, line 1, strike "Section 1" and insert "Sec. 4."; in line 2 strike "cash" and insert "revolving"; in line 3, strike "Cash" and insert "Revolving"; in line 4 strike "facilities" and insert "buildings"; in line 6 after the first "of" insert "conducting", and strike "state" and insert "state-owned"; and in line 7 strike "facilities" and insert "buildings", and strike "Cash" and insert "Revolving".

(Signed) Jerome Warner, Chairperson

REPORT

Received annual report from State Employment and Training Council.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Cullan asked unanimous consent to have his name added to LB 213. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 20. Read. Considered.

LR 20 was adopted with 39 ayes, 0 nays, and 10 not voting.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 47. Placed on General File as amended.
Standing Committee amendments to LB 47:

1. On page 2, strike beginning with "shall" in line 8 through line 12 and insert "authorized to give permission shall be guilty of an infraction and the

vehicle shall be subject to being towed away at the request of such lot owner or tenant. Any person who is found guilty under this section shall be subject to the penalties provided in section 29-436 for infractions."; in line 16 strike "traffic"; in line 18 strike the second "is" and insert "may be"; in line 19 after the underscored comma insert "he or she shall make a determination as to whether a violation has in fact occurred, and if so,", and after "shall" insert "personally serve or"; and in line 25 after the underscored period insert "As used in this section, law enforcement officer shall include any authorized representative of a law enforcement agency.".

2. Strike original section 2.
3. On page 3, line 8, strike "3" and insert "2", strike "sections" and insert "section", and strike "and"; and in line 9 strike "60-2402", and strike "are" and insert "is".

(Signed) Maurice Kremer, Chairperson

Urban Affairs

LEGISLATIVE BILL 298. Placed on General File as amended.
Standing Committee amendments to LB 298:

1. On page 2, line 15, strike "homes on" and insert "home subdivisions and" and strike "and" and insert "in such".
2. Strike original section 2.
3. On page 6, line 3, strike "homes on" and insert "home subdivisions and" and strike "and" and insert "in such"; and in line 23 strike ", 15-1102,".
4. Renumber the remaining sections accordingly.

(Signed) David Landis, Chairperson

Public Works

February 24, 1981

Hearing on February 20, 1981

The Public Works Committee desires to report favorably upon the appointments or reappointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Board of Public Roads Classifications and Standards
Diane Gless
Tom Harvat
Ray Lind
William Lindholm
D. J. Erlington
R. Doyle Hanson
Don Swing

Motor Vehicle Industry Licensing Board
James H. McDonald
Sandra Kinsey
Donald Beltz

VOTE: For: Senators Beutler, Clark, Koch, Kremer, Lamb, Wesely (6); Against: None; Absent: Senators DeCamp, Hoagland (2).

(Signed) Maurice Kremer, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 545	Friday, March 13, 1981	1:30 p.m.

Governor's Appointment
Betty Majors - Friday, March 13, 1981 1:30 p.m.
State Personnel Board

(Signed) Martin Kahle, Chairperson

GENERAL FILE

LEGISLATIVE BILL 150. Title read. Considered.

Standing Committee amendments, Req. No. 2063, found in the Journal on page 499 for the Twenty-Third Day were considered.

The Standing Committee amendments were adopted with 25 ayes, 3 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Stoney offered the following amendment:
Amend the Committee Amendment to L.B. 150 on page 2, line 18 after the period insert the following language: "The reasonable fee for service and use of a credit card or other type of transaction card charged shall be used to reduce charges for all accrued interest."

Mr. Stoney moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Stoney requested a roll call vote.

Voting in the affirmative, 17:

Burrows
Chambers
Cullan
Fowler
Higgins
Kilgarin
Kremer
Lamb
Landis
Newell
Pirsch
Remmers
Sieck
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 25:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Labedz
Maresh
Nichol
Peterson, H.
Peterson, R.
Rumery
Schmit
Von Minden
Wagner
Warner

Present and not voting, 5:

Beutler
Hoagland
Kahle
Koch
Marvel

Excused and not voting, 2:

Fitzgerald
Marsh

The amendment lost with 17 ayes, 25 nays, 5 present and not voting, and 2 excused and not voting.

Mr. Chambers requested a record vote to advance the bill.

Voting in the affirmative, 27:

Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Koch
Landis
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Wagner
Warner

Voting in the negative, 18:

Burrows
Chambers
Fowler
Higgins
Hoagland
Kahle
Kilgarin
Kremer
Labedz
Lamb
Maresh
Newell
Sieck
Stoney
Vickers
Von Minden
Wesely
Wiitala

Present and not voting, 2:

Marvel Pirsch

Excused and not voting, 2:

Fitzgerald Marsh

Advanced to E & R for Review with 27 ayes, 18 nays, 2 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 125. Placed on Select File as amended.
E & R amendment to LB 125:
1. In the title, line 4, insert "; and to declare an emergency" after "prescribed".

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 138. Placed on General File.

LEGISLATIVE BILL 531. Placed on General File as amended.
Standing Committee amendments to LB 531:
1. On page 2, line 22, strike "of" and insert "~~of~~ as provided by law in an amount", and after the stricken "four" insert "eight"; and in line 23 strike the new matter and reinstate the stricken matter.
2. On page 3, strike beginning with "of" in line 14 through "law" in line 15 and insert "as provided by law in an amount not to exceed eight hundred dollars per month".

(Signed) Bernice Labedz, Chairperson

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LB 539 Friday, February 27, 1981 (Cancel) 1:30 p.m.

(Signed) Bernice R. Labedz, Chairperson

Revenue

LB 332	Tuesday, March 3, 1981 (Cancel)	1:30 p.m.
LB 332	Monday, March 16, 1981 (Reset)	1:30 p.m.
LB 467	Wednesday, March 4, 1981 (Cancel)	1:30 p.m.
LB 467	Monday, March 9, 1981 (Reset)	1:30 p.m.

(Signed) Calvin F. Carsten, Chairperson

GENERAL FILE

LEGISLATIVE BILL 288. Title read. Considered.

Standing Committee amendments, Req. No. 2058, found in the Journal on page 503 for the Twenty-Third Day were adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

MR. NICHOL PRESIDING

LEGISLATIVE BILL 275. Title read. Considered.

SPEAKER MARVEL PRESIDING

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 459. Title read. Considered.

Standing Committee amendments found in the Journal on page 504 for the Twenty-Third Day were adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 2 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 154. Title read. Considered.

Standing Committee amendments found in the Journal on page 504 for the Twenty-Third Day were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 54. Title read. Considered.

Standing Committee amendments, Req. No. 2061, found in the Journal on page 506 for the Twenty-Third Day were considered.

Messrs. Barrett and Wesely asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Standing Committee amendments were adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 205. Title read. Considered.

Standing Committee amendments found in the Journal on page 507 for the Twenty-Third Day were adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Mr. R. Peterson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 21.

Introduced by Fowler, 27th District.

WHEREAS, the Natural Gas Policy Act of 1978 calls for the gradual deregulation of natural gas prices through 1985; and

WHEREAS, the President of the United States has pledged an attempt to deregulate natural gas prices completely and immediately as opposed to gradually through 1985; and

WHEREAS, immediate decontrol of natural gas prices may cost Nebraska several billion dollars more than gradual decontrol through 1985; and

WHEREAS, approximately 75 percent of residential structures in Nebraska are heated with natural gas and the average cost of natural gas to each residential user in the state could increase considerably if prices are deregulated immediately; and

WHEREAS, commercial and industrial users in Nebraska could also incur substantially increased natural gas cost if prices are immediately deregulated; and

WHEREAS, the cost of immediate decontrol to utilities in Nebraska using natural gas to generate electricity may be as high as several million dollars; and

WHEREAS, increased natural gas costs for commerce, industry and utilities in Nebraska will result in higher consumer prices for food, clothing, housing, electricity and other necessities of life; and

WHEREAS, immediate decontrol may drain several billion dollars out of Nebraska's economy into the hands of major oil companies, producing states and foreign governments, resulting in a reduced industrial and tax base, fewer jobs and increased inflation; and

WHEREAS, commerce and industry in Nebraska and the United States could be in a better financial position with the extension of natural gas price controls than with the assumed benefits of the Kem-Roth tax plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature supports the gradual decontrol of natural gas prices as outlined in the Natural Gas Policy Act of 1978.
2. That the Legislature opposes the immediate deregulation of natural gas prices as proposed by the President of the United States.
3. That the Clerk of the Legislature send copies of this resolution to the President of the United States, the Nebraska Congressional delegation, the Speaker of the United States House of Representatives, and the President of the United States Senate.

UNANIMOUS CONSENT - Refer LR 21 to Committee

Mr. Fowler asked unanimous consent to have LR 21 referred to Public Works for a hearing. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to have the following amendments to LB 124 printed in the Journal. No objections. So ordered.

1. On page 2, line 25, strike "(3)" and insert "(4)".

2. On page 3, strike beginning with the first "the" in line 9 through line 17 and insert "the applicant has demonstrated that the type of management and control exercised over the licensed premises will be sufficient to ensure that the licensed business can conform to all provisions, requirements, rules, and regulations provided for in the Nebraska Liquor Control Act, and (d) the issuance of the license is or will be required by the present or future public convenience and necessity.

(3) In making its determination pursuant to subsection (2) of this section the commission shall consider:

(a) The recommendation of the local governing body;

(b) The existence of a citizens' protest made in accordance with section 53-133;

(c) The existing population of the city, village, or county, as the case may be, and their projected growth;

(d) The nature of the neighborhood or community of the location of the proposed licensed premises;

(e) The existence or absence of other retail licenses or bottle club licenses with similar privileges within the neighborhood or community of the location of the proposed licensed premises;

(f) The existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises;

(g) The adequacy of existing law enforcement;

(h) Zoning restrictions;

(i) The sanitation or sanitary conditions on or about the proposed licensed premises; and

(j) Whether the type of business or activity proposed to be operated in conjunction with the proposed license is and will be consistent with the public interest."; and in line 18 strike "(3)" and insert "(4)".

3. On page 4, line 4, strike "(4)" and insert "(5)".

RESOLUTION

LEGISLATIVE RESOLUTION 22.

Introduced by Von Minden, 17th District; Hefner, 19th District; Chronister, 18th District; Wagner, 41st District.

WHEREAS, a new bridge over the Missouri River between South Sioux City, Nebraska, and Sioux City, Iowa, has recently been opened; and

WHEREAS, the designation of the title of the bridge has not yet been determined by the Siouxland Interstate Metropolitan Planning Council; and

WHEREAS, various veterans'organizations approve of and recommend naming such bridge the Siouxland Veterans Memorial Bridge in order to commemorate the service and sacrifice of veterans from all American wars.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature urges the board of directors of the Siouxland Interstate Metropolitan Planning Council to designate the new Missouri River Bridge, the Siouxland Veterans Memorial Bridge in honor of American veterans.

2. That a copy of this resolution be delivered to the board of directors of the Siouxland Interstate Metropolitan Planning Council.

Laid over.

ANNOUNCEMENT

Mr. Schmit announced the Agriculture and Environment Committee will meet in executive session at 8:45 a.m. under the north balcony, Wednesday, February 25, 1981.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 198. Placed on General File as amended.
Standing Committee amendments to LB 198:
Req. No. 2097

1. On page 2, strike lines 13 through 24 and insert the following new subsections:

"(2) After the formation of a district, voting or election precincts may be divided, for the purposes of district elections, by amending the charter as prescribed in sections 70-662 to 70-665. A district may divide a voting or election precinct whenever either (a) an excessive number of ratepayers are excluded from voting, or (b) an excessive number of nonratepayers are allowed to vote. The description of such divided precincts may be given by township and range and section number and shall be subject to the approval of the Secretary of State.

(3) A district may certify additional retail customers to be entitled to vote when an excessive number of retail customers in a voting or election precinct are not permitted to vote due to not living within the chartered territory. Such retail customers may be allowed to vote if the district certifies to the Secretary of State the names of all such customers in the affected precincts along with the names of the voting or election precincts.

(4) Any district dividing a precinct pursuant to subsection (2) of this section or certifying retail customers pursuant to subsection (3) of this section shall transmit all necessary information relevant to such division or certification along with the election certification and publication provided for in section 70-611. All additional election costs caused by such division or certification shall be due and payable by the district within thirty days after the receipt of a statement from the county."; in line 25 strike "2" and insert "4", strike "section" and insert "sections", and after the comma insert "70-610, and 70-612,"; and in line 26 strike "is" and insert "are".

2. Insert the following new sections:

"Sec. 2. That section 70-610, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-610. (1) After the selection of the original board of directors of a district as provided for in sections 70-604 and 70-609, their successors shall, except as provided in this section, be nominated and elected and shall take office, subject to the provisions of sections 70-601 to 70-672. Registered voters residing within the divided or undivided voting precincts ~~in which any or all of the precinct is served by a public power district,~~ except those areas specifically excluded in the chartered territory, or registered voters duly certified in accordance with section 70-604.03 shall be qualified electors of such district and shall be eligible to cast ballots for the directors.

Any person filing nomination papers as a candidate for director shall file such nomination papers as provided in Chapter 32. A candidate for director shall be a qualified elector and shall reside within the chartered territory or subdivision as defined in the charter of the district or shall have been certified in accordance with section 70-604.03.

In districts receiving annual gross revenue of less than forty million dollars the candidates for district director shall not appear on the primary ballot. Candidates for directors of such districts shall file applications for nomination with the Secretary of State on or before August 1 of each general election year. In such districts the candidates receiving the highest number of votes at the general election shall be declared duly elected to the offices for which they were candidates.

In those districts receiving annual gross revenue of forty million dollars or more, there shall be a treasurer's receipt from the candidate's county of residence accompanying the application for nomination in the amount of twenty-five dollars, and in those districts receiving annual gross revenue of less than forty million dollars, there shall be a treasurer's receipt from the candidate's county of residence in the amount of ten dollars.

(2) Such nomination and election of directors, as referred to in subsection (1) of this section, shall be by separate nonpartisan ballot. If, after a primary election in a district receiving annual gross revenue of forty million dollars or more, there shall be a vacancy on the ballot for members of board of directors through any cause whatever, the ~~man~~ person polling the third highest in the primary shall be the candidate, and if two vacancies exist then the third and fourth highest in the primary shall be the candidates. If there were no third and fourth highest in the primary, then candidates may file by petition, by securing signatures of ten per cent of the legal voters voting for Governor or President within the district at the preceding general election, and if more persons file than there are places vacant, the candidates shall be chosen by drawing for place. Any such petition must be filed with the Secretary of State not less than sixty days prior to the general election. The petition must show the name and address of the candidate, the office to be filled, and the names and addresses of the signers, the truth of which must be shown by the circulator or circulators thereof by the

affidavit filed with such petition. In those districts receiving annual gross revenue of forty million dollars or more, there shall be a treasurer's receipt from the candidate's county of residence accompanying the petition in the amount of twenty-five dollars, and in those districts receiving annual gross revenue of less than forty million dollars, there shall be a treasurer's receipt from the candidate's county of residence in the amount of ten dollars. A vacancy shall be deemed to exist whenever any person shall cease for any reason to be a candidate for the office of member of board of directors for which he or she was nominated in the primary or when no person was nominated for such office in the primary. It shall be the duty of all state and local officers and officers of election to perform all duties imposed upon them by the laws of this state pertaining to primary and general elections, insofar as applicable to the election of directors of districts organized under the provisions of sections 70-601 to 70-672. Each public power district shall pay for the election expenses of nominating and electing its directors as provided in this section. Except as provided in this section, the district shall pay to each county wherein the name of one or more candidates appears upon the ballot as follows: Counties having a population of less than three thousand inhabitants, seventy-five dollars; counties having a population of three thousand but less than nine thousand inhabitants, one hundred fifty dollars; counties having a population of nine thousand but less than fourteen thousand inhabitants, two hundred dollars; counties having a population of fourteen thousand but less than twenty thousand inhabitants, two hundred fifty dollars; counties having a population of twenty thousand but less than sixty thousand inhabitants, three hundred dollars; counties having a population of sixty thousand but less than one hundred thousand inhabitants, fifteen hundred dollars; counties having a population of one hundred thousand but less than two hundred thousand inhabitants, three thousand dollars; and counties having a population of two hundred thousand inhabitants or more, fifty-five hundred dollars. The population of a county for purposes of this section shall be the population as determined by the most recent federal decennial census.

When the name of one or more candidates of a district appears on ballots in less than one half of the precincts in a county, the cost to the district shall be reduced fifty per cent. When the name of one or more candidates of a district appears on ballots in less than one-tenth of the precincts in a county, there shall be no cost to the district. Election expenses shall be due and payable by each public power district within thirty days after receipt of a statement from the county.

Sec. 3. That section 70-612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-612. Subject to the provisions of sections 70-601 to 70-672, and subject to the approval of the Department of Water Resources, the board of directors of a district may amend the petition for its creation to provide for the division of the territory of such district into two or more subdivisions for the nomination and election of some or all of the directors. Each subdivision shall be composed of one or more voting precints, or divided voting precincts, and the total number of electors in each such subdivision shall be approximately the same: Provided, that when no less than ninety per cent of the population of each of two or more such subdivisions is within the corporate limits of any city, members of the board of directors may be nominated and elected at large from such city; and provided further, that in the event a district formed comprises three or more counties, and is solely engaged in furnishing electric light and power to rural customers, or engaged in furnishing electric light and power and in the business of owning and operating irrigation works, then and in that event such subdivisions may be formed by following county boundary lines without regard to population, if in the judgment of the Director of Water Resources, for the Department of Water Resources, the interests of the rural users of electricity or of users of irrigation water service in such district will not be prejudiced thereby.”.

(Signed) Maurice Kremer, Chairperson

VISITORS

Visitors to the Chamber were Donna and Mike Peterson (wife and son of Senator Richard Peterson) from Norfolk; Dr. Marlene Young-Rifai from Washington, D. C.; twelve students and teacher from Sacred Heart School, Lincoln; and Dr. Heraclito de Souza Fortes and his wife Maranna, Coordinator of Congressional Affairs for the Ministry of Education and Cultural Affairs from Brazil.

ADJOURNMENT

At 12:07 p.m., on a motion by Mr. Wiitala, the Legislature adjourned until 9:00 a.m., Wednesday, February 25, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 25, 1981

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 25, 1981

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Robert S. Peterson, Back to the Bible Broadcast, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Fitzgerald and Hoagland who were excused; and Miss Kilgarin, Messrs. Beutler, Fowler, Goll, Landis, Sieck, and Stoney who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 648, line 24, correct spelling of "Kemp-Roth".
The Journal for the Thirtieth Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

February 20, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Educational Television Commission:

Roger Bailey, 2706 S. Brentwood Blvd., Grand Island, Nebraska for a term expiring January 9, 1983.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:pp

February 20, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Environmental Control Council:

Al Wood, Box 544, Schuyler, Nebraska 68661 for a term expiring June 22, 1981.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:pp
cc: Al Wood

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

LB 537 Friday, March 13, 1981 (Cancel) 1:30 p.m.

(Signed) Martin Kahle, Chairperson

Appropriations

The agency budget hearings scheduled for the State College Board and State Colleges on March 4, 1981, and the University of Nebraska on March 5, 1981, have been relocated from Room 1003, Sarah T. Muir Memorial Hearing Room to Room 2102, Gilbert Hitchcock Memorial Room. The hearing dates remain unchanged.

(Signed) Jerome Warner, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 22. Read. Considered.

LR 22 was adopted with 34 ayes, 0 nays, and 15 not voting.

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

LB 538 Thursday, March 12, 1981 (Cancel) 1:30 p.m.

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Fitzgerald asked unanimous consent to have his name added to LR 22. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 124. Mr. Hefner offered the following amendment:
Amend LB 124 page 3 on line 18, after "licenses" add "or bottle club licenses."

The amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Hefner renewed his pending amendments found in the Journal on page 649.

The amendments were adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 9. E & R amendments found in the Journal on page 590 for the Twenty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 345. Mr. V. Johnson offered the following amendment:

1. Insert the following new section:

"Sec. 7. No person shall be imprisoned for failure to pay child support as the result of a civil proceeding or criminal action unless he or she was represented by counsel or knowingly and intelligently waived the right to counsel. Indigent defendants shall have the right to appointed counsel as in criminal proceedings.”.

2. Renumber original section 7 as section 8.

Mr. DeCamp moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Landis requested a record vote on the V. Johnson amendment.

Voting in the affirmative, 13:

Beutler
Carsten
Chambers
Dworak
Fowler
Johnson, V.
Koch
Landis
Marsh
Newell
Remmers
Stoney
Vickers

Voting in the negative, 22:

Barrett
Beyer
Chronister
Clark
Cope
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Maresh
Marvel
Peterson, H.
Peterson, R.
Rumery
Schmit
Sieck
Von Minden
Wiitala

Present and not voting, 10:

Burrows
Cullan
DeCamp
Fenger
Goodrich
Nichol
Pirsch
Wagner
Warner
Wesely

Excused and not voting, 4:

Fitzgerald
Goll
Hoagland
Kilgarin

The V. Johnson amendment lost with 13 ayes, 22 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 144 in the Journal. No objections. So ordered.

1. On page 7, line 18, strike "public purpose" and insert "public-purpose"; and in line 22, after the period insert "A qualified public-purpose organization shall not be eligible for financial assistance under this act if such organization is currently receiving state funds for a program which includes transportation services and such funding and services would be duplicated by this act.".

RESOLUTION

LEGISLATIVE RESOLUTION 23.

Introduced by Maresh, 32nd District; Beutler, 28th District.

WHEREAS, Reverend Adrian Edgar was an inspiration to the youth of this state serving as Director of Public Relations for Nebraska Wesleyan University and as a founder of the Nebraska Committee for Children and Youth; and

WHEREAS, Reverend Edgar died February 16, 1981 at the age of eighty-two; and

WHEREAS, Reverend Edgar helped to establish a camp at Cozad, a park at Exeter, and was a dedicated promoter of the Nebraska State Capitol, serving as one of the original tour guides; and

WHEREAS, Reverend Adrian Edgar dedicated his life to serving this state and its youth and worked to instill in its citizens a sense of pride in their state's beauty and heritage.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature extend their sympathy to the family of Reverend Adrian Edgar and acknowledge his contributions to this state and especially to its youth.
2. That a copy of this resolution be delivered to the family of Reverend Edgar.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 204A. By Wagner, 41st District.
This bill introduced on behalf of: LB 204.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 204, Eighty-seventh Legislature, First Session, 1981.

NOTICE OF COMMITTEE HEARING
Public Works

LB 544 Thursday, March 12, 1981 1:30 p.m.

(Signed) Maurice Kremer, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 21, 38, 67, 77, 80, 104, 109, 186, 206, 206A, 221, 236, and 260.

(Signed) Karen Kilgarin, Chairperson

GENERAL FILE

LEGISLATIVE BILL 205. Title read. Considered.

MR. CLARK PRESIDING

Mr. Chambers moved to indefinitely postpone LB 205.

Mr. Carsten asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?"

Mr. DeCamp moved for a Call of the House. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

The motion to close debate lost with 22 ayes, 4 nays, 18 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

The Chambers motion to indefinitely postpone LB 205 lost with 8 ayes, 22 nays, 14 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Landis requested a record vote to advance the bill.

Voting in the affirmative, 27:

Barrett Beyer Burrows Clark Cope
DeCamp Fowler Goodrich Haberman Hefner
Higgins Johnson, L. Kahle Koch Labedz
Lamb Maresh Newell Nichol Peterson, H.
Peterson, R. Remmers Sieck Stoney Von Minden
Wagner Wiitala

Voting in the negative, 11:

Beutler Chambers Dworak Goll Kilgarin
Kremer Landis Marsh Rumery Schmit
Vickers

Present and not voting, 7:

Chronister Fenger Johnson, V. Marvel Pirsch
Warner Wesely

Excused and not voting, 4:

Carsten Cullan Fitzgerald Hoagland

Advanced to E & R for Review with 27 ayes, 11 nays, 7 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 24.

Introduced by Goodrich, 20th District.

WHEREAS, a doctorate is one of the highest academic degrees conferred by an educational institution; and

WHEREAS, a person who earns a doctorate does so only after years of hard work and dedication; and

WHEREAS, a person who serves in the Nebraska Legislature must study many issues, must analyze what changes will best serve the citizens of this state, and is often challenged and tested in his or her beliefs; and

WHEREAS, a Senator must advocate the positions and propositions he or she offers by arguments and supporting evidence in much the same way a doctoral candidate works on a thesis; and

WHEREAS, academic research and discoveries are important to the development and growth of society as are decisions made by legislative bodies; and

WHEREAS, all citizens of this state and especially the Senators who have served with Senator Walter George, have benefited from such experience; and

WHEREAS, recognition for outstanding achievements, and an expression of gratitude for unselfish service to the state is sometimes overlooked.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature in 1980 created the honorary degree of Doctorate of Letters and Laws.
2. That the Legislature acknowledges the dedicated service and achievements of former Senator Walter George.
3. That the Legislature hereby confers the Doctorate of Letters and Laws upon former Senator Walter George.
4. That the Clerk of the Legislature present a copy of this resolution to former Senator Walter George.

Laid over.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 446. Placed on General File as amended.
Standing Committee amendments to LB 446:
Req. No. 2107

1. Insert the following new sections:

"Section 1. That section 16-302.01, Revised Statutes Supplement, 1980, be amended to read as follows:

16-302.01. (1) In any city of the first class, except any city having adopted the commissioner or city manager form of government, there shall be elected a mayor at large and two council members from each ward, who shall be electors of the city and residents of the ward from which elected. The council may also, by a two-thirds vote of its members, provide by ordinance for the election of the treasurer and clerk. All nominations and elections of such officers shall be held as provided in Chapter 32, or as provided in this act.

(2) Commencing with the statewide primary election in 1976, and every two years thereafter, those candidates whose terms will be expiring shall be nominated at the statewide primary election and elected at the statewide general election.

(3) All elected officers in a first-class city shall serve for a term of four years and until their successors are elected and have qualified. ~~The term of office of any member of a council that would expire prior to the first regular council meeting in December, 1976 is hereby extended to such date.~~

~~(4) The term of office of any member that would expire after December, 1976, and prior to the first regular council meeting in December, 1978, is hereby extended to the first regular council meeting in December, 1978.~~

~~(5)~~ (4) If the number of candidates properly filed for nomination at the primary election does not exceed two for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required.

~~(6)~~ (5) When any second-class city by law becomes a first-class city, and adopts the first-class city form of government, and it becomes necessary to establish the staggering of terms by nominating and electing members for terms of different durations at the same election, the candidates receiving the greatest number of votes shall be nominated and have their names placed on the general election ballot. In no case shall the city clerk, county clerk, or election commissioner place on the general election ballot more than twice the number of names required to fill the vacancies that will occur.

~~(7)~~ (6) In the case of a tie vote of any of the candidates in either the primary or general election, the city clerk, county clerk, or election commissioner shall notify such candidates to appear at his or her office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.

~~(8)~~ (7) The city clerk, county clerk, or election commissioner in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election. Petitions for the filling of a vacancy on the ballot shall be filed in accordance with section 32-537.

~~(9)~~ (8) The city clerk, county clerk, or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. If no primary election was held, the names of the candidates shall be placed upon the general election ballot in the order of their filing. The term of office of all such members shall commence on the first regular meeting of the council in December following their election. Any vacancy on the council resulting from causes other than expiration of the term shall be filled by vote of the remaining members as provided in section 32-4,152.

Sec. 2. That section 17-104, Revised Statutes Supplement, 1980, be amended to read as follows:

17-104. Each ward of each city shall have at least two councilmen, who shall be chosen in the manner provided in Chapter 32, or as provided in this act. ~~Councilmen shall serve for a term of four years and until their successors are elected and have qualified.~~ No person shall be eligible to the office of councilman who is not at the time of the election an actual resident of the ward for which he or she is elected and a qualified registered elector under the Constitution and laws of the State of Nebraska; and if any councilman shall remove from the ward for which he or she is elected, his or her office as a councilman shall thereby become vacant. Any vacancy on the council shall be filled as provided in section 32-4,152. In all cases of an election when the successful candidate or candidate receiving the highest number of votes in such election shall be prevented from assuming office, on account of disqualification, as provided by law or otherwise, the incumbent shall not be entitled to hold over the term, but such office shall automatically become vacant and an appointment shall be made to fill such vacancy in the matter provided in sections 32-4,152 and 32-1045. Whenever there shall be a tie on the election of councilmen, it shall be determined by lot by the duly authorized canvassing board.

Sec. 3. That section 17-107.02, Revised Statutes Supplement, 1980, be amended to read as follows:

17-107.02. (1) Commencing with the primary election in 1976, and every two years thereafter, all elected officers in all second-class cities shall be nominated at the statewide primary election and elected at the statewide general election.

(2) All elected officers in a second-class city shall serve for a term of four years and until their successors are elected and have qualified. ~~The term of office of any member of the board that would expire prior~~

~~to the first regular board meeting in December, 1976, is hereby extended to such date.~~

~~(3) The term of office of any member that would expire after December, 1976, and prior to the first regular board meeting in December, 1978, is hereby extended to the first regular board meeting in December, 1978.~~

~~(4)~~ (3) If the number of candidates properly filed for nomination at the primary election shall not exceed two for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required.

~~(5)~~ (4) When any village by law becomes a second-class city, and adopts the second-class city form of government, and such second-class city is holding its initial election of all officers, the city clerk, county clerk, or election commissioner shall place the names of the candidates receiving the greatest number of votes at the primary election, if one was held, on the general election ballot, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election. At the first election, one half or the bare majority of the candidates in each precinct or ward or at-large candidates, as the case may be, receiving the greatest number of votes at the general election, shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms.

~~(6)~~ (5) In the case of a tie vote of any of the candidates in either the primary or general election, the city clerk, county clerk, or election commissioner shall notify such candidates to appear at his or her office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.

~~(7)~~ (6) When more than one person becomes a candidate by filing, petition, or write-in procedures for the same position in the primary, the city clerk, county clerk, or election commissioner in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election. Petitions for the filling of a vacancy on the ballot shall be filed in accordance with section 32-537.

~~(8)~~ (7) The city clerk, county clerk, or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. If no primary election was held, the names of the candidates shall be placed upon the general election ballot in the order of their filing. The term of office of all such members shall commence on the first regular meeting of the board in December following their election.".

2. On page 27, line 24, after the underscored period insert "This procedure shall apply to section 32-224.".

3. On page 33, line 23, strike "25" and insert "28".

4. On page 34, line 7, strike "25" and insert "28".

5. On page 36, line 3, strike "25" and insert "28".

6. On page 38, line 9, strike "25" and insert "28".

7. On page 40, line 27, strike "25" and insert "28".

8. On page 47, line 3, strike "25" and insert "28".

9. On page 52, line 24, strike "25" and insert "28".

10. On page 58, line 5, strike "25" and insert "28".

11. On page 59, line 27, strike "25" and insert "28".

12. On page 62 reinstate the stricken matter.

13. On page 63, reinstate the stricken matter, in line 3 before the reinstated "In" insert "The Secretary of State shall include a statement to be published along with the argument declaring that such argument offered and published is not an argument made or opinion held by the state."; and in line 10, strike "If".

14. On page 64, line 13 after "name" insert ", except that no printed name shall be required if his or her signature is legible"; and in line 23 strike "25" and insert "28".

15. Strike original section 30.

16. On page 79, line 16, strike "one year" and insert "six months"; in line 21 strike "32-1221,"; and in line 23 after "sections" insert "16-302.01, 17-104, 17-107.02,".

17. Renumber remaining sections accordingly.

(Signed) Martin Kahle, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Kahle asked unanimous consent to print the following amendments to LB 446 in the Journal. No objections. So ordered.

1. On page 62, reinstate the stricken matter.

2. On page 63, reinstate the stricken matter; in line 3 after the reinstated period insert "No argument shall be published unless the name of each person, committee, or organization and its duly authorized officers offering such argument is included in the publication."; and in line 10 strike "If".

GENERAL FILE

LEGISLATIVE BILL 409. Title read. Considered.

Standing Committee amendments found in the Journal on page 506 for the Twenty-Third Day were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 195. Title read. Considered.

Standing Committee amendment found in the Journal on page 512 for the Twenty-Fourth Day was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 272. Title read. Considered.

Standing Committee amendments found in the Journal on page 512 for the Twenty-Fourth Day were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 273. Title read. Considered.

Standing Committee amendments found in the Journal on page 513 for the Twenty-Fourth Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 273A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 355. Title read. Considered.

Standing Committee amendments found in the Journal on page 514 for the Twenty-Fourth Day were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

MR. NICHOL PRESIDING

Mr. Rumery asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 114. Title read. Considered.

Standing Committee amendment found in the Journal on page 526 for the Twenty-Fifth Day was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 246. Title read. Considered.

Standing Committee amendments found in the Journal on page 526 for the Twenty-Fifth Day were adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 325. Title read. Considered.

Standing Committee amendment found in the Journal on page 527 for the Twenty-Fifth Day was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 388. Title read. Considered.

Standing Committee amendment found in the Journal on page 527 for the Twenty-Fifth Day was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 25.

Introduced by Kilgarin, 7th District.

WHEREAS, social workers in Nebraska and the nation have made significant contributions in the areas of mental retardation, aging, child and family welfare, health care, community planning, education, criminal justice, and human rights; and

WHEREAS, Nebraska has over four hundred professional social workers who play a basic role in delivering human services to the citizens of the state; and

WHEREAS, Nebraska currently has graduate and undergraduate programs which train social workers and has a professional organization of social workers; and

WHEREAS, the citizens of this state have an interest in continuing their support of social work and those professionals who carry out such work.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature declares the month of March, 1981, as Social Work Month in Nebraska in recognition of the contributions made by the state's social workers.

2. That all citizens of the state are urged to support Social Work Month during March and to continue to support the efforts of social workers throughout the year.

Laid over.

VISITORS

Visitors to the Chamber were eight members and teacher from Omaha Bible School, Omaha; nine members and teacher from Zion Lutheran School, Leigh; and Ira Blalock, member of Oregon Parole Board.

ADJOURNMENT

At 12:13 p.m., on a motion by Mrs. Marsh, the Legislature adjourned until 9:00 a.m., Thursday, February 26, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 26, 1981

LEGISLATIVE JOURNAL

THIRTY-SECOND DAY - FEBRUARY 26, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 26, 1981

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Roland Hanselmann, Southwood Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Fitzgerald who was excused; and Mrs. Pirsch, Messrs. Beutler, Hoagland, Schmit, Seick, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 150. Placed on Select File as amended.
E & R amendment to LB 150:
1. In the title, line 4, insert "to reduce a minimum fee; to declare public policy;" after the second semicolon.

LEGISLATIVE BILL 288. Placed on Select File as amended.
E & R amendment to LB 288:
1. In the title, line 2, strike "84-1301" and insert "84-1317".

LEGISLATIVE BILL 275. Placed on Select File.

LEGISLATIVE BILL 459. Placed on Select File as amended.
E & R amendments to LB 459:
1. On page 9, line 26, reinstate the first stricken "of" for grammatical reasons.
2. In committee amendments, page 1, line 27, insert an underscored comma after "77-3424".

3. In committee amendments, page 2, line 3, strike the comma-

LEGISLATIVE BILL 154. Placed on Select File as amended.
E & R amendments to LB 154:
1. In committee amendments, page 1, line 16, strike "companies" and insert "company".
2. On page 6, line 7, strike the comma and insert a comma after "whenever".

LEGISLATIVE BILL 54. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 20 and LR 22.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 329. Placed on General File.

LEGISLATIVE BILL 274. Placed on General File as amended.
Standing Committee amendments to LB 274:
1. On page 2, line 27, strike "life insurance and annuities, variable".
2. On page 3, line 1, strike "annuities," and strike the second "and"; and in line 2 after "insurance" insert ", and credit accident and health insurance".

(Signed) John W. DeCamp, Chairperson

ANNOUNCEMENT

Mr. Carsten announced the Revenue Committee will meet in executive session Monday, March 2, 1981 from 12:00 to 1:30 p.m.

RESOLUTIONS

LEGISLATIVE RESOLUTION 26.

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Beutler, 28th District; Wesely, 26th District; Clark, 47th District; Koch, 12th District; Lamb, 43rd District; Hoagland, 6th District; DeCamp, 40th District.

WHEREAS, the Narrows Project on the South Platte River in Colorado is currently being considered for supplemental appropriations by Congress; and

WHEREAS, the Narrows Project on the South Platte River near Ft. Morgan, Colorado is authorized for construction by the Water and Power Resources Service, and

WHEREAS, this project is designed with a flood control capacity of 475,000 acre feet with an operating criteria of a maximum release of 5,000 cubic feet per second when storage is in the flood pool, and

WHEREAS, this project will provide supplemental water for several users along the South Platte River in Colorado thus increasing return flows to the river in Colorado and into Nebraska benefiting downstream Nebraska interests, and

WHEREAS, there are several other alternative projects proposed in Colorado of which provide no Nebraska benefits since they would not offer flood control and could reduce rather than increase return flows into Nebraska.

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION: That this legislative body urge the Appropriation Committees of the United States Senate and House of Representatives to provide the funds necessary to begin this long delayed, but Congressionally approved project.

Laid over.

LEGISLATIVE RESOLUTION 23. Read. Considered.

Mrs. Marsh and Mr. Barrett asked unanimous consent to have their names added to LR 23. No objections. So ordered.

LR 23 was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 24. Read. Considered.

Mr. Fowler moved to refer LR 24 to the Executive Board.

The motion lost with 15 ayes, 18 nays, 11 present and not voting, and 5 excused and not voting.

Mrs. Marsh offered the following amendment:

Strike the contents of LR 24 and insert the following:

WHEREAS, the Unicameral Legislature wishes to recognize the dedication and service to Nebraska of former Senator Walter George; and

WHEREAS, former State Senator Walter George has represented Legislative District No. 16 since 1974; and

WHEREAS, the Legislature recognizes his untiring, diligent efforts, and accomplishments over the years in law making; and

WHEREAS, the Legislature wants to thank him for helping to continue the excellence of public service which exists in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature acknowledges the dedicated service and achievements of former Senator Walter George.
2. That the Legislature wishes health and happiness in his future endeavors.
3. That the Legislature present a copy of this resolution to former Senator Walter George.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Marsh amendment lost with 13 ayes, 21 nays, 10 present and not voting, and 5 excused and not voting.

Mrs. Marsh moved to lay over LR 24 until tomorrow.

The motion lost with 14 ayes, 21 nays, 9 present and not voting, and 5 excused and not voting.

LR 24 was adopted with 28 ayes, 5 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE RESOLUTION 25. Read. Considered.

LR 25 was adopted with 28 ayes, 2 nays, 14 present and not voting, and 5 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 89A. By Marsh, 29th District.
This bill introduced on behalf of: LB 89.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 89, Eighty-seventh Legislature, First Session, 1981.

NOTICE OF COMMITTEE HEARING
Public Works

LB 408 March 5, 1981 (Cancel) 1:30 p.m.

(Signed) Maurice Kremer, Chairperson

STANDING COMMITTEE REPORTS

Agriculture and Environment

LEGISLATIVE BILL 333. Placed on General File.

LEGISLATIVE BILL 243. Placed on General File as amended.
Standing Committee amendment to LB 243:
1. On page 3, strike beginning with ", fifty" in line 4 through "facilities" in line 6 and insert "of which fifty per cent or more of the benefits are recreational".

LEGISLATIVE BILL 253. Placed on General File as amended.
Standing Committee amendments to LB 253:
1. On page 8, line 27, reinstate the stricken "of October 1,".
2. On page 9, line 1, strike the new matter and reinstate the stricken matter.
3. On page 11, line 3, after "act" insert "and money received by the department as gifts, donations, or contributions toward the goals stated in section 81-1535, as well as money received by the department for nonprofit activities concerning litter reduction and recycling, including, but not limited to, honoraria, literature furnished by the department, and funds realized as reimbursement for expenses in conducting educational forums,".

LEGISLATIVE BILL 291. Placed on General File as amended.
Standing Committee amendment to LB 291:
1. On page 2, line 2, after "any" insert "carbonated"; strike lines 5 and 6; and in line 10 strike "1982" and insert "1983".

(Signed) Loran Schmit, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 330. Placed on General File as amended.
Standing Committee amendment to LB 330:
1. On page 2, line 4, after "a" insert "domestic".

(Signed) John W. DeCamp, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 262. Indefinitely postponed.
LEGISLATIVE BILL 295. Indefinitely postponed.
LEGISLATIVE BILL 422. Indefinitely postponed.
LEGISLATIVE BILL 433. Indefinitely postponed.
LEGISLATIVE BILL 496. Indefinitely postponed.

(Signed) Samuel K. Cullan, Chairperson

ANNOUNCEMENT

Mr. Lamb announced an Executive Board meeting at 8:00 a.m., February 27, 1981 in room 2102.

UNANIMOUS CONSENT - Member Excused

Mr. Koch asked unanimous consent to be excused Friday, February 27, 1981. No objections. So ordered.

SPEAKER MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 125. E & R amendment found in the Journal on page 645 for the Thirtieth Day was adopted.

Mr. Haberman offered the following amendment:

1. On page 2, line 6, after "apply" insert "(1)"; in line 8 after "woman" insert ", (2) to coverage for an abortion to terminate a pregnancy caused by an act of sexual assault as defined in section 28-319 or incest as defined in section 28-703, whether or not there has been a conviction under such sections,"; and in line 9 after "or" insert "(3)".

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 9 nays, and 28 not voting.

Mr. Dworak spoke to a point of personal privilege.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Haberman moved for a Call of the House. The motion prevailed with 8 ayes, 2 nays, and 39 not voting.

Mr. Haberman requested a roll call vote.

Voting in the affirmative, 21:

Beutler	Burrows	Chambers	Clark	Fenger
Fowler	Goll	Haberman	Hoagland	Johnson, V.
Kilgarin	Koch	Landis	Marsh	Newell
Nichol	Remmers	Vickers	Warner	Wesely
Wiitala				

Voting in the negative, 25:

Barrett Beyer Carsten Chronister Cope
Cullan Dworak Goodrich Hefner Higgins
Johnson, L. Kahle Kremer Labedz Lamb
Maresh Marvel Peterson, H. Peterson, R. Rumery
Schmit Sieck Stoney Von Minden Wagner

Present and not voting, 1:

DeCamp

Excused and not voting, 2:

Fitzgerald Pirsch

The amendment lost with 21 ayes, 25 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

MR. CLARK PRESIDING

Mr. Haberman offered the following amendment:

1. On page 2, line 10, strike "This section shall not prohibit the" and insert "The"; and in line 11 strike "from offering" and insert "shall offer".

Amendment pending.

MOTION - Reconsider LB 143

Mr. Chambers renewed his pending motion to reconsider their action in voting to indefinitely postpone LB 143 on Select File on 2-19-81.

Mr. Chambers moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

SPEAKER MARVEL PRESIDING

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 11:

Beyer Burrows Chambers Clark Fenger
Kilgarin Labedz Marsh Nichol Vickers
Wiitala

Voting in the negative, 36:

Barrett Beutler Carsten Chronister Cope
Cullan DeCamp Dworak Fowler Goll
Goodrich Haberman Hefner Higgins Hoagland
Johnson, L. Johnson, V. Kahle Koch Kremer

Lamb
Landis
Maresh
Marvel
Newell
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely

Excused and not voting, 2:

Fitzgerald
Pirsch

The motion lost with 11 ayes, 36 nays, and 2 excused and not voting.

MOTION - Suspend Rules

Mr. Newell moved to suspend the rules, Rule 5, Sec. 5 to permit the introduction of a new bill by individual legislators, Request No. 894.

Mr. Chronister asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Beutler moved to bracket the Newell motion for two days.

Mr. Beutler asked unanimous consent to withdraw his motion to bracket. No objections. So ordered.

The Speaker declared the motion to suspend the rules to permit the introduction of a new bill be laid over.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 311. Placed on General File.

LEGISLATIVE BILL 307. Indefinitely postponed.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Hefner, Von Minden, Fitzgerald, Wagner, DeCamp, Chronister, Wesely, and Fowler asked unanimous consent to have their names added to LB 157. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 434. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 144. Title read. Considered.

Standing Committee amendments, Req. No. 2073, found in the Journal on page 546 for the Twenty-Fifth Day were considered.

Mr. Maresh offered the following amendment to the Standing Committee amendments:

Add the emergency clause.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Beutler asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner renewed his pending amendment found in the Journal on page 659.

The amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Rumery asked unanimous consent to be excused. No objections. So ordered.

Laid over.

VISITORS

Visitors to the Chamber were Gladys Johnson, Nancy Olson, Pauline Hill, Laura Garwood, Donna Garwood, Sally Edghill, and Laura Hughes from Garfield County; nine students and teacher from Exeter; ten students and sponsors from Sidney; Dr. and Mrs. Robert Melick, Nancy Melick, Mrs. Alice Christensen from Fremont and Anita Fonnes from Fonnes, Norway; Mike Dulaney from Gering; and Dorothy and Marie Beutler (mother and grandmother of Senator Beutler).

ADJOURNMENT

At 12:25 p.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Friday, February 27, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 27, 1981

LEGISLATIVE JOURNAL

THIRTY-THIRD DAY - FEBRUARY 27, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 27, 1981

Pursuant to adjournment, the Legislature met at 9:06 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Emmett Haas, East Lincoln Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Koch who was excused; and Mrs. Labedz, Messrs. Beutler, Cullan, Haberman, Hoagland, and V. Johnson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Second Day was approved.

MESSAGE FROM THE GOVERNOR

February 26, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bill 27 was received in my office on February 20, 1981.

This bill was signed by me on February 26, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:pp

CORRECTED MESSAGE FROM THE GOVERNOR

Received letter from the Governor as a corrected copy of letter found in the Journal on page 34.

February 26, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Safety Center Advisory Council:

Bud Weiss, 923 Washington, Hastings, Nebraska 68901 for a term expiring August 24, 1981.

Don Cattle, Wayne State College, Wayne, Nebraska 68787 for a term expiring August 24, 1981.

Sam Grimminger, P. O. Box 367, Grand Island, NE 68801 for a term expiring August 24, 1982.

Duane Schmidt, Department of Education, Lincoln, Nebraska for a term expiring August 24, 1982.

Larry Morris, Game and Parks Commission, Lincoln, Nebraska for a term expiring August 24, 1982.

Jim Preston, 521 South 14th, Lincoln, Nebraska 68508 for a term expiring August 24, 1982.

Rollin Schneider, East Campus, University of Nebraska, Lincoln, Nebraska for a term expiring August 24, 1982.

Ivan Abdouch, 902 Capitol Avenue, Omaha, Nebraska 68102 for a term expiring August 24, 1982.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Rumery asked unanimous consent to print the following amendment to LB 51 in the Journal. No objections. So ordered.

(Final Reading Copy)

Req. No. 2116

1. Insert the following new section:

“Sec. 2. That section 39-2504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-2504. (1) A reduced incentive payment shall be made to any county having in its employ a qualified county highway superintendent for only a portion of the calendar year preceding the year in which the payment is made. Such reduced payment shall be in the proportion of the amounts listed in section 39-2503 as the number of full months such a qualified person was employed is of twelve.

(2) Any county that contracts with a consulting engineer or engineering firm to perform the duties outlined in section 39-2502 rather than employing a qualified county highway superintendent shall be entitled to an incentive payment ~~as~~ equal to two-thirds the amount provided in section 39-2503.

(3) Any county that contracts with another county or with any city or village for the employment of a qualified highway superintendent as provided in section 39-2114, shall be entitled to the incentive payment provided in section 39-2503 or the reduced incentive payment provided in subsection (1) of this section.”.

2. On page 2, line 15, strike “section” and insert “sections”, and after “39-2503” insert “and 39-2504”; and in line 16 strike “is” and insert “are”.

3. Renumber section 2 as section 3.

4. In the title, line 2, strike “section” and insert “sections” and after “39-2503” insert “and 39-2504”; and in line 7 strike “section” and insert “sections”.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 23, LR 24, and LR 25.

MESSAGE FROM THE GOVERNOR

February 26, 1981

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Speaker:

I hereby return LB 30 without my signature and with my objections.

LB 30 would allow Sanitary and Improvement Districts to undertake improvements upon a petition being signed by a majority of the property owners and approved by the city council or county board, whichever has jurisdiction. The bill would effectively eliminate the mayor's veto authority.

In a letter dated February 18, 1981, to Senator Goodrich, the Attorney General's office raises questions concerning the constitutionality of LB 30. The Attorney General's office states in part as follows:

> If such an argument should prevail, then the language of LB 30 in question would be unconstitutional and inoperative with respect to home rule cities whose charters authorize the kind of veto power in question.

In addition to the constitutional concerns, it is my concern that this bill would alter the checks and balances of the legislative and executive branches of government. The veto power is written in to both our federal and state constitutions for the chief executives of those respective jurisdications.

In my opinion, executive veto authority should be preserved. If it can be set aside in this case, then it can be set aside for other issues as well. Such action does not, and would not, have my support.

Respectfully,
(Signed) CHARLES THONE
Governor

CT:dsd

REPORT

Received report from Policy Research Office on Laws 1975, LB 317 during 1979 pursuant to Section 84-156, R.S. Supp. 1979.

ANNOUNCEMENT

Speaker Marvel announced today is Senator Sieck's birthday.

MOTION - Suspend Rules

Mr. Newell renewed his pending motion found in the Journal on page 679 to suspend the rules, Rule 5, Sec. 5, to permit the introduction of a new bill by individual legislators.

The motion prevailed with 30 ayes, 11 nays, 6 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 546. By Newell, 13th District; Koch, 12th District; Kilgarin, 7th District; Beyer, 3rd District; Fitzgerald, 14th District.
This bill introduced on behalf of: the motoring public.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide the power to restrict traffic as prescribed; to provide duties; and to provide a penalty.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 58. Placed on General File as amended.
Standing Committee amendments to LB 58:

1. Strike original section 1 and insert the following new sections:

"Section 1. The Legislature finds that:

(1) Examples of Nebraska's prairie soil in a condition which existed before the state was settled during the early part of the nineteenth century are becoming increasingly rare;

(2) That such virgin prairie is an important tool for scientists who seek to determine the highest and best use of Nebraska's soil resources;

(3) That such virgin prairie is an important part of botanical and zoological studies offered by institutions of learning in this state; and

(4) That it is in the public interest that such virgin prairie in suitable quantities be preserved and protected.

Sec. 2. When any agency or political subdivision of the State of Nebraska, except the Board of Educational Lands and

Funds, owns land with virgin prairie as described in section 1 of this act, such agency or political subdivision may take action to establish the location and boundaries of such virgin prairie or a part thereof that may be preserved and protected. Such action shall be taken only after holding a public hearing with at least one weeks' advance notice of such hearing in a newspaper of general circulation in the county where the virgin prairie is located. Any such agency or political subdivision which has established the location and boundaries of such virgin prairie and which decides to sell such land, may require the purchaser to enter into a convenant to continue to preserve and protect the area established as virgin prairie, and such covenant by its terms shall run with the title to the land binding future owners.”.

LEGISLATIVE BILL 359. Placed on General File as amended.
Standing Committee amendments to LB 359:

1. On page 4, line 13, after the period insert “At the time the list is supplied the board of trustees shall also pay the county clerk or election commissioner the amount he or she estimates the election will cost.”.

2. On page 7, line 3, strike “also” and show as stricken; in line 4 after “district” insert “and the county clerk or election commissioner”; strike beginning with “Payment” in line 5 through the period in line 8, show the old matter as stricken, and insert “The county clerk or election commissioner shall certify the balance due for the cost of the election or the amount to be refunded from the prepayment required by section 31-735. Any remaining balance or refund due shall be paid within ten days after certification. Within five days after completion of the canvass the county clerk or election commissioner shall pay the members of the election board.”.

LEGISLATIVE BILL 491. Placed on General File as amended.
Standing Committee amendment to LB 491:

1. On page 2, line 5, after “than” insert “either”; in line 8 strike the semicolon, show as stricken, and insert an underscored comma; in line 11 strike the comma, show as stricken, and insert an underscored semicolon; and in line 13 strike “approved”, show as stricken, and after “securities” insert “approved by the city treasurer”.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 34 in the Journal. No objections. So ordered.

1. Strike the Wesely amendments on pages 586 to 588 of the Journal and adopted on February 23, 1981.

2. Strike the Vickers amendments on pages 522 and 523 of the Journal, as amended and adopted on February 17, 1981.

3. Strike the E and R amendments on page 565 of the Journal.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 205. Placed on Select File as amended.
E & R amendments to LB 205:

1. On page 2, line 24, insert an underscored comma after “class”.
2. On page 3, strike the first comma in line 22 and the comma in line 25.
3. On page 4, line 26, strike the first comma.

LEGISLATIVE BILL 409. Placed on Select File as amended.
E & R amendments to LB 409:

1. On page 2, line 11, strike “which” and insert “whom”.
2. On page 3, line 27, strike “bond or” and insert “or bond” after “insurance”.
3. In the title, line 3, strike “76-511, 76-512,”; and in line 9 insert “to change a publication date;” after the semicolon.

LEGISLATIVE BILL 195. Placed on Select File.
LEGISLATIVE BILL 272. Placed on Select File.

LEGISLATIVE BILL 273. Placed on Select File as amended.
E & R amendments to LB 273:

1. On page 11, line 23, strike “, may” and insert “~~, may~~ may,”.
2. To harmonize with present law, on page 20, strike beginning with “to” in line 18 through “session” in line 19; and in line 20 insert “as provided in section 81-1113” after “request”.

3. On page 22, line 22, strike "it has rejected"; and in line 23 insert "has been rejected" after "claim".

4. On page 24, line 1, strike "then".

LEGISLATIVE BILL 273A. Placed on Select File.

LEGISLATIVE BILL 355. Placed on Select File as amended.
E & R amendment to LB 355:

1. On page 3, line 23, strike the comma.

LEGISLATIVE BILL 114. Placed on Select File.
LEGISLATIVE BILL 246. Placed on Select File.
LEGISLATIVE BILL 325. Placed on Select File.

LEGISLATIVE BILL 388. Placed on Select File as amended.
E & R amendments to LB 388:

1. On page 5, line 27, insert an underscored comma after "progresses".
2. On page 8, line 19, strike "the state and its"; and in line 20 insert "of the state" after "subdivisions".
3. On page 9, line 18, strike "on the bonds" and insert "thereon".

(Signed) Karen Kilgarin, Chairperson

GENERAL FILE

LEGISLATIVE BILL 144. Title read. Considered.

Messrs. Maresh and V. Johnson offered the following amendment:
On page 9, strike beginning with "except" in line 19 through the period in line 24.

The amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 30 ayes, 2 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Sieck asked unanimous consent to be excused for a short time. No objections. So ordered.

LEGISLATIVE BILL 354. Title read. Considered.

Standing Committee amendments found in the Journal on page 547 for the Twenty-Fifth Day were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 55. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 76. Title read. Considered.

Standing Committee amendments found in the Journal on page 548 for the Twenty-Fifth Day were considered.

Mr. DeCamp offered the following amendment to the Standing Committee amendments:

1. Insert the following new section:

"Sec. 4. That section 60-440, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-440. The director pursuant to law shall publish a synopsis or summary of the statutory driving rules of this state, together with such cautionary and advisory comments as may to him or her seem fit, and shall deliver a copy thereof without charge with each operator's license. Commencing with the first republication of the rules scheduled after the effective date of this act, such rules shall contain a summary of the state's laws for operating a motor vehicle to avoid arrest.".

2. On page 5, line 13, after "arrest" insert "Commencing with the first regularly scheduled revision of the examination after the effective date of this act"; in line 26, after "29-210" strike "and" and insert a comma; and in line 27 after the first comma insert "and 60-440,".

3. Renumber original sections 4 and 5 as sections 5 and 6 respectively.

The DeCamp amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 83. Title read. Considered.

Standing Committee amendments found in the Journal on page 549 for the Twenty-Fifth Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 31 ayes, 1 nay, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 217. Title read. Considered.

MR. CLARK PRESIDING

Mr. Von Minden moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Advanced to E & R for Review with 25 ayes, 17 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 457. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 136. Title read. Considered.

Standing Committee amendments found in the Journal on page 549 for the Twenty-Fifth Day were considered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 14 nays, and 10 not voting.

Standing Committee amendments were adopted with 25 ayes, 3 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 28 ayes, 6 nays, 13 present and not voting, and 2 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached Reference Report No. 3, Governor's Appointments.

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

Education

Roger Bailey, Educational Television Commission

Agriculture and Environment

Al Wood, Environmental Control Council

NOTICE OF COMMITTEE HEARING

Public Works

Governor's Appointments
Ed Burke - March 5, 1981 1:00 p.m.
Power Review Board

B. T. Friedrichsen - March 5, 1981 1:00 p.m.
Power Review Board

Richard Wood - March 5, 1981 1:00 p.m.
Power Review Board

(Signed) Maurice Kremer, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 26, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Burnett, Joe - St. Paul, MN, 3M Company
Elrod, Carol - Omaha, Nebraska Wing Civil Air Patrol
Guilfoyle, Thomas J. - Omaha, Papillion-LaVista School District

Kaldahl, Phil - Bellevue, Bellevue Public Schools
Knudsen, Berkheimer, Beam, Richardson, & Endacott:
  Ruth, Larry L. - Lincoln, Nebraska Hearing Aid Dealer Association
Lineweber, Ray L. - Omaha, United Transportation Union
McCullough & Associates:
  McCullough, Rose A. - Lincoln, Nebraska SandHills Resources Council
Watson, Carol S. - Lincoln, Bankers Life Insurance Company of Nebraska
Wiseman, Brenda L. - Lincoln, Nebraska Alcoholism Foundation

STANDING COMMITTEE REPORTS

Miscellaneous Subjects

LEGISLATIVE BILL 483. Placed on General File.

(Signed) Elroy M. Hefner, Chairperson

Agriculture and Environment

LEGISLATIVE BILL 283. Placed on General File as amended.
Standing Committee amendements to LB 283:
Req. No. 2110

1. On page 7, line 25, strike beginning with “stockholders” through “stock” and insert “members”; in line 26 strike “, in person or by proxy”; and in line 27 strike “stockholders’ ” and insert “members’ ”.

2. On page 8, lines 2 and 3 strike “stockholders” each time it occurs and insert “members”.

3. Insert a new section as follows:

“Sec. 6. That section 21-1406, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-1406. Only persons engaged in the production of the agricultural products, including lessees and landlords receiving such products as rent except as otherwise provided herein, or cooperative associations of such producers, shall be eligible to membership therein, subject to the terms and conditions prescribed in its articles of incorporation or by-laws consistent herewith. Only members of an association shall have the right to vote, and no member shall be entitled to more than one vote upon any question or matter affecting the association or relating to its affairs. Articles of incorporation hereunder may provide that no voting by proxy shall be permitted and such articles or by-laws adopted thereunder may further provide that a written vote received by mail from any absent member, and signed by him or her, may be read and counted at any regular or special meeting of the association, provided that the secretary shall notify all members in writing of the exact motion or resolution upon which such vote is to be taken, and a copy of same shall be forwarded with and attached to the vote so mailed by the member, and elections may be carried out in a similar manner. No member of an association shall be liable for its debts or obligations beyond the unpaid amount, if any, due by him or her on his or her membership dues. Every association formed hereunder shall issue a certificate of membership to each member which, unless otherwise provided in its articles of incorporation or by-laws, shall be nontransferable. Following the ascertainment through procedure set forth in its by-laws that a member has ceased to be eligible to membership in an association, his or her rights therein may be suspended. In the event of the death, withdrawal or expulsion of a member, the board of directors shall within a reasonable time thereafter equitably and conclusively ascertain the value of such member's membership, if any, which shall be paid him or her or his or her legal representatives by the association within a reasonable time after such ascertainment.".

4. On page 9, line 10, strike "and", and before "Reissue" insert "and 21-1406,".

(Signed) Loran Schmit, Chairperson

Judiciary

LEGISLATIVE BILL 413. Placed on General File as amended.
Standing Committee amendment to LB 413:

1. On page 3, line 9, after the semicolon insert "and"; in line 14 strike "; and" and insert an underscored period; and strike lines 15 through 17.

LEGISLATIVE BILL 32. Placed on General File as amended.
Standing Committee amendments to LB 32:

1. On page 2, line 2, strike "detection or"; strike lines 7 through 12; in line 13 strike "(2)" and insert "(1)"; in line 17 strike "(3)" and insert "(2)"; and in line 18 strike "or (2)".
2. On page 3, line 19, strike "detectors and".

LEGISLATIVE BILL 215. Placed on General File as amended.
Standing Committee amendment to LB 215:

1. Insert a new section as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 180. Placed on General File.

LEGISLATIVE BILL 347. Placed on General File as amended.
Standing Committee amendments to LB 347:

1. On page 7, line 16, strike the first "in" and insert "of"; strike beginning with "Nebraska" in line 16 through the first comma in line 17 and insert "Department of Correctional Services"; and strike beginning with "unlawfully" in line 18 through the first "or" in line 19.
2. Strike original section 9.
3. On page 12, strike beginning with "and" in line 15 through the final comma in line 16.
4. Renumber original sections 10 to 14 as sections 9 to 13, respectively.

LEGISLATIVE BILL 111. Placed on General File as amended.
Standing Committee amendments to LB 111:

1. On page 2, line 15, strike "received by" and insert "set for".
2. On page 3, line 12, strike "received by" and insert "set for".
3. On page 5, lines 4 and 27, strike "received by" and insert "set for".
4. Insert a new section to read:

"Sec. 4. That section 48-153, Revised Statutes Supplement, 1980, be amended to read as follows:

48-153. The Nebraska Workmen's Compensation Court shall consist of five judges. Judges holding office on the effective date of this act shall continue in office until expiration of their respective terms of office and thereafter for an additional term which shall expire on the first Thursday after the first Tuesday in January immediately following the first general election at which they are retained in office after the effective date of this act. Their right to continue in office shall be determined in the manner provided in sections 24-813 to 24-818, and the terms of office thereafter shall be for six years beginning on ~~January 1~~ the first Thursday after the first Tuesday in January immediately following their retention at such election. In case of a vacancy occurring in the court, the same shall be filled in accordance with the provisions of Article V, section 21 of the Constitution of the State of Nebraska and the right of any judge so appointed to continue in office shall be determined in the manner provided in sections 24-813 to 24-818. All such judges shall hold office until their successors are appointed and qualified, or until death, voluntary resignation, or removal for cause. No judge of the Nebraska Workmen's Compensation Court shall, during his or her tenure in office as judge, hold any other office or position of profit, pursue any other business or avocation inconsistent or which interferes with his or her duties as such judge, or serve on or under any committee of any political party. The judges of such court shall reside in Lancaster County, Nebraska, unless, for the convenience of the court, they are permitted to reside elsewhere by a majority vote of the court, but no such judge shall be deemed thereby to have lost his or her residence at the place from which he or she was selected unless he or she so chooses.".

5. On page 6, line 20, strike "section" and insert "sections 48-153 and".

6. Renumber original sections 4 and 5 as sections 5 and 6 respectively.

LEGISLATIVE BILL 465. Placed on General File.

LEGISLATIVE BILL 99. Placed on General File as amended.
Standing Committee amendments to LB 99:

1. On page 2, line 8, strike "twenty-five" and insert "fourteen"; in line 12 strike the new matter; in line 13 strike "one dollar", show as stricken; and insert "three dollars", reinstate "each", and strike "per page"; in line 17 strike "fifteen" and insert "ten"; in line 24 reinstate the stricken matter; and strike beginning with the semicolon in line 25 through "page" in line 26.

2. Insert the following new sections:

"Sec. 2. That section 33-123, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-123. The county court shall be entitled to the following fees in civil matters: For any and all services rendered up to and including the judgment or dismissal of the action, ~~ten~~ fourteen dollars; for all orders, after judgment, including writs of execution, restitution, garnishment, examination in aid of execution, and taking and approving any recognizance or bond, ~~one dollar~~ three dollars each.".

Sec. 3. That section 33-124, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-124. In criminal matters including preliminary and juvenile hearings, the county judge shall receive the following fees: For any and all services rendered up to and including the judgment or dismissal of the action and the issuance of mittimus or discharge to the jailer, the sum of ~~six~~ ten dollars; for all orders after judgment and taking and approving any recognizance or bond, ~~one dollar~~ three dollars each.".

3. On page 3, line 1, strike "section" and insert "sections", and after the comma insert "33-123, and 33-124,"; and in line 2 strike "is" and insert "are".

4. Renumber original section 2 as section 4.

LEGISLATIVE BILL 87. Placed on General File as amended.
Standing Committee amendments to LB 87:

1. Reinstate all stricken matter.
2. On page 3, lines 17 and 18, strike the new matter; in line 21 strike "twelve", show as stricken, and insert "twenty-four"; and in line 26 strike the new matter.

LEGISLATIVE BILL 23. Indefinitely postponed.
LEGISLATIVE BILL 90. Indefinitely postponed.
LEGISLATIVE BILL 166. Indefinitely postponed.
LEGISLATIVE BILL 175. Indefinitely postponed.

(Signed) William E. Nichol, Chairperson

Urban Affairs

LEGISLATIVE BILL 437. Placed on General File as amended.
Standing Committee amendment to LB 437:

1. On page 2, line 1 after "No" insert "speed limitation"; strike beginning with "enactment" in line 4 through "and" in line 5 and insert "the first reading of the proposed ordinance"; in line 9 strike "hearing" and insert "such reading", and strike "five" and insert "ten"; in line 10 strike "hearing" and insert "reading"; and in line 11 strike "hearing" and insert "first reading".

(Signed) David Landis, Chairperson

SPEAKER MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 128. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 462. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 176. Title read. Considered.

Mr. Newell asked unanimous consent to have LB 176 laid over. No objections. So ordered.

LEGISLATIVE BILL 279. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 5. Title read. Considered.

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 13 nays, and 22 not voting.

Advanced to E & R for Review with 26 ayes, 6 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 476. Title read. Considered.

Standing Committee amendment found in the Journal on page 559 for the Twenty-Sixth Day was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

Laid over.

ANNOUNCEMENT

Mr. Maresh announced the Business and Labor Committee will meet in executive session, Monday, March 2, 1981 at 9:00 a.m., in room 1019.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hoagland asked unanimous consent to have his name added to LB 99. No objections. So ordered.

ANNOUNCEMENT

Mr. Clark designates LB 290 as his priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 150 in the Journal. No objections. So ordered.

1. On page 2, line 5, after "loan" insert "including a loan initiated by credit card or other type of transaction card"; strike beginning with the comma in line 6 through "dollars" in line 12 and show as stricken; and in line 12 after "bank" insert "charging a rate of interest allowed under this section".

2. Insert the following new section:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

VISITORS

Visitors to the Chamber were Mrs. Charles Dian Trail from McCook; Valerie Boulgakoff from France; Don Teel from Maywood; Mr. Dick Yahn and Mr. Bill Michie, sponsors, and Susan Fiegenschuh, Tom Mazel, Brenda Whitmire, Doug Beran, Cynthia Huddleston, Kathy Wiles, Virignia Butterfield, Kevin Buss, Barbara Young, and Paul Ellis, students from Sidney; Darlene Schroeder; 25 students and teacher, Merle Beattie School, Lincoln; Mr. and Mrs. Kent Davis from Farnam; Betsy Freeland; and Terry Tegeder.

ADJOURNMENT

At 11:59 a.m., on a motion by Miss Kilgarin, the Legislature adjourned until 9:30 a.m., Monday, March 2, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - MARCH 2, 1981

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 2, 1981

Pursuant to adjournment, the Legislature met at 9:33 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Beyer, Burrows, and Hoagland who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Third Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 434. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

MESSAGE FROM THE GOVERNOR

February 27, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 31, 33, 85, 96 and 120 were received in my office on February 23, 1981.

These bills were signed by me on February 27, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:pp

ATTORNEY GENERAL'S OPINION

Opinion No. 30
February 23, 1981

Dear Senator V. Johnson:

You have requested the opinion of this office regarding L.B. 120 which would allow for the recovery of attorneys fees by a successful plaintiff in a mandamus action. Specifically you have inquired as follows:

> "Inasmuch as such actions inevitably are brought against an individual who is an employee of some governmental subdivision or the state itself, would the attorney's fee allowed by L.B. 120 be assessed against and recoverable from the individual defendant or rather would it be assessed against and recoverable ultimately against the governmental subdivision or state that employs him?"

In our opinion, such attorneys fees would be recoverable from the individual. The writ of mandamus is properly directed to the individual holding office in their offical capacity. 55 C.J.S. Mandamus, §2, p. 14; Cooperider v State ex. rel. Stevens, 46 Neb. 84, 64 N.W. 372 (1985). The governmental subdivision is not a party to the suit and therefore an award against said entity could not be made. Theoretically the governmental entity may have an interest adverse to that of an offical who has neglected to perform an act required by law.

You have further inquired as follows:

> "If you conclude that such fees are recoverable only from the personal defendant, what policies exist, if any, to reimburse the personal defendant?"

While we cannot speak definitively regarding the policies of governmental subdivisons, we are aware of no formal policies for such reimbursement by the State of Nebraska.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Fritz
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Introduce New Bill

Mr. Schmit moved for the introduction of a new bill, Req. 879, by the Agriculture and Environment Committee.

The motion prevailed with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 547. By Agriculture and Environment Committee: Schmit, 23rd District, Chairperson; Wiitala, 31st District; Maresh, 32nd District; Burrows, 30th District; Wagner, 41st District; Remmers, 1st District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to food; to adopt the Nebraska Food Act; to adopt model ordinances and a code by reference; to provide duties for the Department of Agriculture; to provide for licenses and fees as prescribed; to harmonize provisions; to change provisions relating to the Consumer Protection Act; to provide a penalty; to amend sections 54-1902, 54-1906, 54-1911, and 54-1912, Reissue Revised Statutes of Nebraska, 1943, and section 59-1617, Revised Statutes Supplement, 1980; to repeal provisions relating to the regulation of certain hotels and inns; to repeal provisions relating to the handling of certain foods; to provide an operative date; to provide for severability; to repeal the original sections, and also sections 41-101 to 41-130, 81-217 to 81-217.09, 81-217.11 to 81-217.14, 81-217.16 to 81-217.28, 81-2,111 to 81-2,119, 81-2,122 to 81-2,124, 81-2,127, 81-2,129, 81-2,132, 81-2,133, 81-2,134.01, 81-2,134.03 to 81-2,134.11, and 81-2,181 to 81-2,184, Reissue Revised Statutes of Nebraska, 1943, and sections 81-217.10, 81-217.15, 81-2,120, 81-2,121, 81-2,134, and 81-2,185, Revised Statutes Supplement, 1980; and to declare an emergency.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 9, 34, 124, 178, and 345.

(Signed) Karen Kilgarin, Chairperson

Title Change to LB 34

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 34:

1. The changes made by E & R amendments 1 and 2, adopted 2/23, have been applied to the Wesely amendment 1, also an underscored semicolon has been inserted preceding the stricken period in line 11 of section 70-637 and on page 2 of the Wesely amendments, line 6 has been stricken as repetitive.
2. The changes made by E & R amendment 3, adopted 2/23, have been applied to the Wesely amendment 2.
3. The changes made by E & R amendment 4, adopted 2/23, have been applied to the Wesely amendment 3.

Title Change to LB 178

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 178:

1. In the Beutler amendments (Req. 2056), page 4, line 4, "taxpayer" has been inserted after "delinquent".
2. In the title, as amended, "delinquent" has been inserted at the end of line 5.
3. On page 34, line 3, "taxpayer" has been inserted after "delinquent".

(Signed) Emory P. Burnett
E & R Attorney

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 110.

A BILL FOR AN ACT to amend section 2-3225, Revised Statutes Supplement, 1980, relating to natural resources; to eliminate a restriction on the use of funds from taxes levied by a natural resources district; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Carsten
Chronister
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 8:

Barrett
Beutler
Clark
Dworak
Maresh
Marvel
Pirsch
Stoney

Present and not voting, 4:

Burrows
Chambers
Goll
Peterson, R.

Excused and not voting, 1:

Beyer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 214. With Emergency.

A BILL FOR AN ACT to amend section 8-823, Reissue Revised Statutes of Nebraska, 1943, and sections 8-440, 8-446, 8-815, 8-822, and 45-342, Revised Statutes Supplement, 1980, relating to loans; to redefine a term; to change limitations; to provide for the computation of certain charges in case of prepayment of certain contracts as prescribed; to provide an exception; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 37:

Barrett
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Vickers
Von Minden
Wagner
Warner

Voting in the negative, 9:

Beutler
Burrows
Chambers
Fowler
Kilgarin
Newell
Peterson, R.
Sieck
Stoney

Present and not voting, 2:

Wesely
Wiitala

Excused and not voting, 1:

Beyer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 65. With Emergency.

A BILL FOR AN ACT to amend sections 74-1302 to 74-1304, and 74-1308, Reissue Revised Statutes of Nebraska, 1943, and section 74-1305, Revised Statutes Supplement, 1980, relating to railroad transportation safety districts; to allow the inclusion of more than one municipality in a district; to change a penalty; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Barrett
Beutler
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.

Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Beyer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

ANNOUNCEMENT

The President announced yesterday was Senator Remmers' birthday.

MOTION - Return LB 24 to Select File

Mr. Warner moved to return LB 24 to Select File for a specific amendment.

The motion prevailed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 24. Mr. Warner offered the following amendment:

(Final Reading Second)

1. On page 2, strike beginning with "known" in line 7 through "endgun" in line 8; in line 8 strike "that portion" and insert "the endgun"; and in line 12 after "misdemeanor" insert ", except that section 39-703 shall be controlling with respect to mechanical malfunctions and normal weather conditions".

The amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 21.

A BILL FOR AN ACT to amend section 23-1206.01, Reissue Revised Statutes of Nebraska, 1943, relating to county government and officers; to permit all counties to employ a full-time county attorney; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Barrett
Beutler
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Schmit

Excused and not voting, 1:

Beyer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 38 to Select File

Mr. DeCamp moved to return LB 38 to Select File for a specific amendment.

The motion prevailed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 38. Mr. DeCamp offered the following specific amendment:

(Final Reading Copy)

1. On page 2, line 17, strike "appears" and insert "the organization reasonably determines"; in line 19 after "action" insert "based on the doctrine of strict liability in tort"; and strike beginning with the comma in line 20 through "organization" in line 23.

The amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

SPEAKER MARVEL PRESIDING

MOTION - Return LB 38 to Select File

Mr. V. Johnson moved to return LB 38 to Select File for a specific amendment.

The motion prevailed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 38. Mr. V. Johnson offered the following specific amendment:

Add to line 5, page 3, final reading copy, after striking the period. "and stating that pursuant to state law this organization shall not be liable in any civil action based on strict liability in tort for any injury or death because of the condition of such food."

The amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 67.

A BILL FOR AN ACT to amend section 81-584, Reissue Revised Statutes, 1943, and sections 81-572 and 81-592, Revised Statutes Supplement, 1980, relating to the State Electrical Act; to redefine terms; to define a term; to provide for registration of apprentice electricians; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 2:

Goll
Schmit

Excused and not voting, 1:

Beyer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 77. With Emergency.

A BILL FOR AN ACT to amend section 81-575, Revised Statutes Supplement, 1980, relating to the State Electrical Act; to change standards under which rules are adopted; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

DeCamp

Excused and not voting, 1:

Beyer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 80.

A BILL FOR AN ACT relating to the Agricultural Products Industrial Utilization Committee; to amend section 66-470, Reissue Revised Statutes of Nebraska, 1943, and sections 66-468, 66-802, 66-804, 66-805, and 66-820, Revised Statutes Supplement, 1980; to rename such committee; to rename a fund; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 1:

Beyer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 109.

A BILL FOR AN ACT to amend section 46-209, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Water Resources; to provide for the costs of a transcript of the department; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 1:

Beyer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 186.

A BILL FOR AN ACT to amend sections 23-1717 and 23-1719, Reissue Revised Statutes of Nebraska, 1943, relating to county officers; to provide a description of uniforms to be worn by sheriffs and sheriff's deputies; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Barrett
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 4:

Beutler
Chambers
Vickers
Wesely

Excused and not voting, 1:

Beyer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 221.

A BILL FOR AN ACT to amend section 80-401.01, Revised Statutes Supplement, 1980, relating to the Nebraska Veterans' Aid Fund; to redefine a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Hoagland

Excused and not voting, 1:

Beyer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. CLARK PRESIDING

LEGISLATIVE BILL 236. With Emergency.

A BILL FOR AN ACT to amend sections 54-102, 54-104.01, 54-105, 54-106, 54-108, 54-126, 54-129, 54-135.01, 54-153, 54-155, 54-160, and 54-161, Reissue Revised Statutes of Nebraska, 1943, sections 54-101, 54-101.01, 54-104, 54-110, 54-115, 54-133.01, 54-137, 54-141, 54-143.01, 54-147, 54-148, 54-153.02, 54-153.03, and 54-156, Revised Statutes Supplement, 1980, and section 54-103, Revised Statutes Supplement, 1969, relating to brands and marks; to change provisions relating to the Nebraska Brand Committee; to change certain fees; to provide additional duties; to require bond to be posted; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Barrett
Beutler
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Schmit

Excused and not voting, 1:

Beyer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 260. With Emergency.

A BILL FOR AN ACT to amend section 23-343.03, Reissue Revised Statutes of Nebraska, 1943, and section 23-343.01, Revised Statutes Supplement, 1980, relating to counties; to provide for the election of a treasurer for the county hospital or health facility board of trustees; to provide duties; to grant certain powers to the board of trustees; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Barrett
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 3:

Beutler
Chambers
Higgins

Excused and not voting, 1:

Beyer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 104 to Select File

Mr. Beutler moved to return LB 104 to Select File for a specific amendment.

The motion prevailed with 26 ayes, 2 nays, and 21 present and not voting.

SELECT FILE

LEGISLATIVE BILL 104. Mr. Beutler offered the following specific amendment:

On Pg. 2 line 15 strike beginning with the word "except" through "1982" in line 20.

The amendment was adopted with 26 ayes, 2 nays, and 21 present and not voting.

Advanced to E & R for Engrossment.

PRESIDENT LUEDTKE PRESIDING

LEGISLATIVE BILL 125. Mr. Haberman renewed his pending amendment found in the Journal on page 678.

Messrs. Clark and Marvel asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Haberman moved for a Call of the House. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. Haberman requested a roll call vote.

Voting in the affirmative, 15:

Beutler
Chambers
Fowler
Goll
Haberman
Hoagland
Johnson, V.
Koch
Landis
Marsh
Nichol
Remmers
Warner
Wesely
Wiitala

Voting in the negative, 29:

Barrett
Beyer
Carsten
Chronister
Cope
Cullan
Dworak
Fenger
Fitzgerald
Goodrich
Hefner
Higgins
Johnson, L.
Kahle
Kilgarin
Labedz
Lamb
Maresh
Newell
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner

Present and not voting, 3:

Burrows
DeCamp
Kremer

Excused and not voting, 2

Clark
Marvel

The amendment lost with 15 ayes, 29 nays, 3 present and not voting, and 2 excused and not voting.

Laid over.

LEGISLATIVE BILL 288. E & R amendment found in the Journal on page 672 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 275. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 154. E & R amendments found in the Journal on page 673 for the Thirty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 54. Advanced to E & R for Engrossment.

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will meet in executive session at 8:00 a.m. on March 3, 1981 in room 1517.

VISITORS

Visitors to the Chamber were 55 fourth grade students and teachers from Belmont School, Lincoln; 22 students and professor from Chadron State College, Chadron; and former senator and speaker Elvin Adamson from Nenzel.

ADJOURNMENT

Mr. Landis moved to adjourn. The motion prevailed with 17 ayes, 0 nays, and 32 not voting, and at 12:02 p.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Tuesday, March 3, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY - MARCH 3, 1981

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 3, 1981

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. William Pfeffer, Panama Presbyterian Church, Panama, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh, Messrs. V. Johnson, Koch, Vickers, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 708, after line 33, add: Advanced to E & R for Engrossment.
The Journal for the Thirty-Fourth Day was approved as corrected.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 31
February 24, 1981

Dear Senator Newell:

In your letter of February 5, 1981, you direct our attention to Neb.Rev.Stat. §14-1021 (Reissue 1977) and indicate that you may be desirous of introducing legislation to amend or repeal this section depending upon our response to your several questions.

You first direct our attention to the portion of that statute which prohibits members of water district boards from unduly participating in municipal politics and the statement that such prohibition was created to remove the directors from the influence of partisan politics.

You observe that municipal elections are no longer partisan in nature and ask our opinion as to whether or not the prohibition and the intent are therefore inconsistent.

Partisan activity has come to mean affiliation with one or another political party but classically the word partisan when used as an adjective implies unreasonable allegiance or adherence to a party, faction or belief. Therefore in the early part of this century when this provision was enacted, a more classic definition may have been in the minds of the legislators. Of course, as you know, there exists no legislative history on statutes of this age, the examination of which might have assisted us in gleening the intended breadth of this prohibition. Therefore, absent any express legislative history we would decline to speculate as to what the Legislature may have intended by the use of these words.

You also ask our interpretation of the phrase ". . . undue activity or participation . . ." Here again without the benefit of express legislative history, it is impossible for us to offer anything other than perhaps a dictionary definition of the word undue, and therefore, would decline to speculate as to what definition the Legislature may have had in mind.

More generally, you inquire as to whether or not such a prohibition would be violative of the First Amendment to the Constitution of the United States. In this regard, the United States Supreme Court has upheld state laws restricting the political activities of public officials. See, for example, Broadrick v. Oklahoma, 413 U.S. 601. While the court has upheld such prohibitions, it has stated that statutes attempting to restrict or burden the exercise of First Amendment rights must be narrowly construed and reflect a considered legislative judgment that a particular type of expression must be prohibited in order to protect other compelling needs of society. Broadrick v. Oklahoma, supra.

Given the fact that since as you note most, if not all, of municipal political activities are conducted on a non-partisan basis, it would be difficult to conceive a rational basis on which this prohibition might be supported. Additionally, given the uncertainties surrounding the meaning of both the words and phrases used and the original intent, it may be that such a prohibition would be unconstitutionally vague.

Therefore, in spite of the fact that courts have historically upheld prohibitions on public employee participation in partisan politics, we believe that the restrictions contained within Neb.Rev.Stat. §14-1021 (Reissue 1977) are constitutionally suspect at best.

Sincerely,
PAUL L. DOUGLAS
Attorney General

(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:kkh
cc: Patrick O'Donnell

Opinion No. 33
February 26, 1981

Dear Senator Schmit:

In your letter of February 11, 1981, you advised us about certain amendments which were proposed with regard to the Nebraska Corn Resources Act, Neb.Rev.Stat. §2-3601, et seq. (Cum.Supp. 1980). Specifically, you expressed a concern about an amendment to section 2-3622(10) of this act which would strike the words "or to influence legislation."

You attached to your correspondence a letter you received from Mr. Richard Meuret of the Nebraska Corn Development, Utilization & Marketing Board which letter generally advised you that the board was satisfied with its working relationship with the Nebraska Department of Agriculture, and further, did not ". . . want to see our legislation changed to jeopardize this relationship."

In contemplating the proposed amendment, your question to us was whether such a letter was in violation of section 2-3622(10).

The Nebraska Corn Resources Act does not specifically define the term "to influence legislation," and, to our knowledge, that term is not defined in any other legislative provisions relating to grain check-off programs. Furthermore, our research did not disclose any Nebraska case law or pertinent legislative debate which provided specific guidance to interpreting this term.

General legal resource materials define the term "influence," when used as a verb, as meaning "to affect, alter, move or sway." 43 C.J.S., Influence at 708 (1978).

> The verb "influence" also means to procure from, or to put some external constraint upon; to use one's endeavors, although unable to carry his point. It has been held synonymous with "affect" . . . and has been compared with, or distinguished from, "induce" . . . and "procure."

Id.

We also note that the entire prohibition set forth at section 2-3622(10) directs the members of the Corn Board:

> To prohibit any funds collected by the board from being expended directly or indirectly to promote or oppose any candidate for public office or to influence legislation . . .

Considering the entirety of this provision, in light of the standard legal definitions of the term "influence," we would interpret this provision to prohibit such activities as using funds for the support of a candidate for public office, or, with regard to the prohibition of influencing legislation, using funds to employ a lobbyist for the Corn Board.

In further support of our opinion, we note that the term "lobbying" is generally defined as an activity to address or solicit members of a legislative body for the purpose of influencing their votes. 54 C.J.S., Lobby at 659 (1948). Therefore, it would appear to us that the Legislature was concerned about the Corn Board expending funds for lobbying activities in adopting the prohibitions set forth in section 2-3622(10).

Consequently, it does not appear to us that the correspondence attached to your letter of February 11, 1981, would constitute an activity or an expenditure of funds in contravention of section 2-3622(10). While it is difficult for us to ascertain the purpose of this correspondence, nothing on its face appears to represent a specific attempt to "influence legislation." In our opinion, a court would not interpret the provisions of section 2-3622(10) so broadly as to prohibit the use of the funds of the Corn Board which are expended in correspondence to a senator dealing with the legitimate activities of that board.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Robert F. Bartle
Assistant Attorney General

RFB:sjr
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 159. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Public Works

LEGISLATIVE BILL 290. Placed on General File as amended.
Standing Committee amendments to LB 290:

1. On page 2, line 16, after "material" insert "on either the background of the plate or on the letters and numerals of the plate"; in line 18 after the period

insert "Such plate shall be visible under normal nighttime atmospheric conditions from a distance of at least five hundred feet, under illumination from head lamps approved by the Department of Motor Vehicles."; and strike beginning with "In" in line 23 through line 27 and show as stricken.

2. On page 3, strike beginning with "letters" in line 1 through the period in line 7 and show as stricken.

3. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Chris Beutler, Vice Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 274A. By DeCamp, 40th District.
This bill introduced on behalf of: LB 274.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 274, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 459A. By Fowler, 27th District.
This bill introduced on behalf of: LB 459.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 459, Eighty-seventh Legislature, First Session, 1981.

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 415	Tuesday, March 10, 1981	(Cancel)	2:00 p.m.
LB 415	Tuesday, March 10, 1981	(Reset)	1:00 p.m.
LB 269	Tuesday, March 10, 1981	(Cancel)	2:00 p.m.
LB 269	Tuesday, March 10, 1981	(Reset)	1:00 p.m.

(Signed) Samuel K. Cullan, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 110, 214, 65, 21, 67, 77, 80, 109, 186, 221, 236, and 260.

MOTION - Unbracket LB 206 and LB 206A

Mr. Chambers moved that LB 206 and 206A be un-bracketed notwithstanding the motion offered by Senator Warner and adopted on 2/9/81, and found on Journal page 391.

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The motion prevailed with 30 ayes, 13 nays, 5 present and not voting, and 1 excused and not voting.

MOTION - Return LB 206 to Select File

Mr. Hefner moved to return LB 206 to Select File for a specific amendment.

Mr. Hefner asked unanimous consent to withdraw his motion. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 206. With Emergency.

A BILL FOR AN ACT relating to the Legislature; to provide intent; to provide for certain expenses; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 27:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Haberman
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Peterson, R.
Stoney
Wagner
Wiitala

Voting in the negative, 20:

Beutler
Clark
Cope
Goll
Goodrich
Hefner
Johnson, L.
Koch
Kremer
Maresh
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Warner

Present and not voting, 2:

DeCamp
Wesely

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 27:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Haberman
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Peterson, R.
Stoney
Wagner
Wiitala

Voting in the negative, 20:

Beutler
Clark
Cope
Goll
Goodrich
Hefner
Johnson, L.
Koch
Kremer
Maresh
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Warner

Present and not voting, 2:

DeCamp
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 206A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 206, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 30:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Haberman
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Peterson, R.
Remmers
Sieck
Stoney
Wagner
Wiitala

Voting in the negative, 18:

Beutler
Clark
Cope
Goll
Goodrich
Hefner
Johnson, L.
Koch
Kremer
Maresh
Nichol
Peterson, H.
Pirsch
Rumery
Schmit
Vickers
Von Minden
Warner

Present and not voting, 1:

Wesely

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Haberman
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Peterson, R.
Remmers
Sieck
Stoney
Wagner
Wiitala

Voting in the negative, 18:

Beutler
Clark
Cope
Goll
Goodrich
Hefner
Johnson, L.
Koch
Kremer
Maresh
Nichol
Peterson, H.
Pirsch
Rumery
Schmit
Vickers
Von Minden
Warner

Present and not voting, 1:

Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

SELECT FILE

LEGISLATIVE BILL 125. Messrs. Fowler, Wesely, Landis, and Mrs. Marsh offered the following amendment:

1. Insert a new section as follows:

"Sec. 2. The provisions of this act shall not apply to cities of the primary class, counties with not less than one-hundred thousand nor more than three-hundred thousand inhabitants, and Class IV school districts."

2. Renumber original section 2 as section 3.

Mr. Fowler requested a record vote.

Voting in the affirmative, 15:

Beutler
Chambers
Clark
Fowler
Goll
Haberman
Hoagland
Johnson, V.
Koch
Landis
Marsh
Remmers
Rumery
Warner
Wesely

Voting in the negative, 24:

Barrett
Beyer
Cope
Cullan
DeCamp
Dworak
Fitzgerald
Goodrich
Hefner
Higgins
Johnson, L.
Kahle
Kilgarin
Kremer
Labedz
Maresh
Newell
Peterson, H.
Peterson, R.
Pirsch
Schmit
Stoney
Wagner
Wiitala

Present and not voting, 10:

Burrows
Carsten
Chronister
Fenger
Lamb
Marvel
Nichol
Sieck
Vickers
Von Minden

The amendment lost with 15 ayes, 24 nays, and 10 present and not voting.

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 12 nays, and 23 not voting.

Mrs. Marsh requested a machine vote.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Hefner
Higgins
Johnson, L.
Kilgarin
Kremer
Labedz
Lamb
Maresh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Wiitala

Voting in the negative, 11:

Chambers
Fowler
Goll
Haberman
Hoagland
Johnson, V.
Koch
Landis
Marsh
Warner
Wesely

Present and not voting, 5:

Clark
Goodrich
Kahle
Schmit
Vickers

Advanced to E & R for Engrossment with 33 ayes, 11 nays, and 5 present and not voting.

LEGISLATIVE BILL 150. E & R amendment found in the Journal on page 672 for the Thirty-Second Day was adopted.

Mr. DeCamp renewed his pending amendment found in the Journal on page 699.

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 15 nays, and 19 not voting.

Mr. DeCamp offered the following amendment to the DeCamp pending amendment:
1. In DeCamp amendment, page 699 of the Journal, strike lines 1 through "stricken" on line 5.
2. Page 2 of the bill, lines 9 through 12 strike "on the first one thousand dollars and twelve per cent simple interest per year on the balance over one thousand dollars"

The amendment was adopted with 28 ayes, 1 nay, and 20 present and not voting.

Mr. Nichol asked unanimous consent to be excused. No objections. So ordered.

SPEAKER MARVEL PRESIDING

The DeCamp pending amendment, as amended, was adopted with 27 ayes, 2 nays, 19 present and not voting, and 1 excused and not voting.

Mr. Beutler offered the following amendment:

1. In the committee amendments, on page 1, line 4, strike "twenty-four" and insert "eighteen".

Mr. DeCamp offered the following amendment to the Beutler amendment:

Strike "eighteen" and insert "twenty".

Mr. DeCamp moved for a Call of the House. The motion prevailed with 11 ayes, 2 nays, and 36 not voting.

The DeCamp amendment to the Beutler amendment prevailed with 25 ayes, 13 nays, 10 present and not voting, and 1 excused and not voting.

The Beutler amendment, as amended, was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Mr. Lamb requested a machine vote.

Advanced to E & R for Engrossment with 27 ayes, 13 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 144. Placed on Select File as amended.
E & R amendments to LB 144:

1. On page 6, line 23, after "1943" insert ", as amended by section 1, Legislative Bill 85, Eighty-seventh Legislature, First Session, 1981"; and on page 7, after line 9 insert:

"Any municipality or county in providing public transportation for the elderly under this section may contract with a school district for the use of a school bus at times other than during the normal school day or on days when school is not in session if all costs incurred by such municipality or county are paid for with money generated from passenger fees or federal or state funds. The contract shall provide that such municipality or county shall be liable for costs of maintenance, operation, insurance, and other reasonable expenses incurred in the use of such bus. No school district shall be liable for any damages to any person riding in a school bus pursuant to this section, unless such damage is proximately caused by the gross negligence of the school district. No school district shall be required to modity or alter any school bus because of a contract entered into pursuant to this section. Any municipality or county when using a school bus upon a highway pursuant to this section shall cover or conceal all school bus markings on such bus as required by section 39-660.".

2. In the Maresh-Johnson amendment, line 2, insert "and show as stricken" after "24".

3. On page 9, line 19, strike the comma, show stricken, and insert an underscored period.

4. On page 10, line 3, after "1943" insert ", as amended by section 2, Legislative Bill 85, Eighty-seventh Legislature, First Session, 1981,"; on page 11, line 24, strike "and" and in line 26 before the semicolon insert ", and (d) the elderly, their spouses and dependents, as defined in section 19-3903, under a contract with a municipality or county authorized in section 19-3908"; and on page 12, line 22, strike "~~and~~"; in line 26 strike "; and" and insert "; ~~and~~", and after line 26 insert

"(16) A motor carrier operated by a municipality or county as authorized in section 19-3908, in the transportation of the elderly;".

5. On page 13, line 1, strike "(16)" and insert "(17)"; in line 6, strike "19-3908," and strike "19-3911, and 75-303," and insert "and 19-3911,"; in line 7, strike "and"; in line 8, insert ", and sections 19-3908 and 75-303, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1 and 2, respectively, Legislative Bill 85, Eighty-seventh Legislature, First Session, 1981" after "1980"; and insert a new section to read:

"Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

6. In the title, line 3, strike "19-3908,"; in line 4, strike "19-3911, and 75-303," and insert "and 19-3911,"; in line 6, insert ", and sections 19-3908 and 75-303, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1 and 2, respectively, Legislative Bill 85, Eighty-seventh Legislature, First Session, 1981" after "1980"; in line 11, strike "and"; and in line 12, insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 354. Placed on Select File.
LEGISLATIVE BILL 55. Placed on Select File.

LEGISLATIVE BILL 76. Placed on Select File as amended.
E & R amendments to LB 76:

1. In lieu of all other amendments renumbering sections, renumber original section 3 as section 2.
2. In lieu of other amendments thereto, on page 5, line 26, strike “29-210 and”; and in line 27 insert “and 60-440” after “60-408”.
3. In the title, line 3, strike “29-210 and 60-408” and insert “60-408 and 60-440”; in lines 5 and 6 strike “the penalty” and insert “penalties”; strike line 7 and insert “arrest; to provide for the disposition of certain vehicles; to”; and in line 9 insert “to provide for republication of rules;” after the semicolon.

LEGISLATIVE BILL 83. Placed on Select File as amended.
E & R amendments to LB 83:

1. On page 2, line 6, strike the comma and show stricken; and in line 13, strike the comma.
2. In the title, line 2, strike “, 28-503, and 28-504” and insert “and 28-503”.

LEGISLATIVE BILL 217. Placed on Select File.
LEGISLATIVE BILL 457. Placed on Select File.
LEGISLATIVE BILL 136. Placed on Select File.
LEGISLATIVE BILL 128. Placed on Select File.

LEGISLATIVE BILL 462. Placed on Select File as amended.
E & R amendments to LB 462:

1. On page 9, strike lines 5 to 16.
2. On page 14, line 19, insert “Chapter 60,”.

LEGISLATIVE BILL 279. Placed on Select File.
LEGISLATIVE BILL 5. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 264. Placed on General File.

LEGISLATIVE BILL 379. Placed on General File as amended.
Standing Committee amendments to LB 379:

1. On page 2, line 15, strike “33” and insert “34”.
2. On page 3, line 20, after the second comma insert “school of professional nursing,”.
3. On page 9, line 19, strike “one-year” and insert “two-year”.
4. Insert a new section as follows:

"Sec. 25. Notwithstanding any other provision of sections 1 to 34 of this act, nothing in sections 1 to 34 of this act shall be interpreted to permit independent practice.".

5. On page 14, lines 1 and 23, strike "25 to 33" and insert "26 to 34"; and in line 22 strike "30" and insert "31".

6. On page 16, line 15, strike "25 to 33" and insert "26 to 34"; and in line 23 strike "32" and insert "33".

7. On page 17, line 4, strike "practitioner" and insert "physician or osteopathic physician"; in line 10 strike "and" and insert an underscored comma and after "collaboration" insert ", and consent"; and in line 25 strike "Other" and insert "The determination of other".

8. On page 18, strike beginning with "a" in line 3 though "office" in line 4 and insert "an office or clinic"; in line 5 strike "practitioner" and insert "physician or osteopathic physician"; and in lines 15 and 21 strike "33" and insert "34".

9. On page 19, line 8, strike "year" and insert "two years" and strike "one year" and insert "two years".

10. On page 20, line 15, strike "25 to 33" and insert "26 to 34".

11. On page 25, line 7, strike "33" and insert "34".

12. Renumber original sections 25 to 37 as sections 26 to 38, respectively.

(Signed) Samuel K. Cullan, Chairperson

Judiciary

LEGISLATIVE BILL 44. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2125.)

(Signed) William E. Nichol, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 27.

Introduced by Fowler, 27th District.

WHEREAS, the Legislature is currently considering LB 125, which would prohibit the use of public funds to pay for insurance coverage for abortion; and

WHEREAS, the group health insurance plan for state employees is currently being renegotiated.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That any state employee group health insurance plan entered into after January 1, 1981, shall contain an option for abortion coverage. Premiums for such coverage shall be paid entirely by employees choosing to participate in the coverage.
2. That if a plan has already been negotiated which does not include such an option for abortion coverage the plan be renegotiated to include such coverage.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 24, 38, and 104.

Correctly Engrossed

The following bills were correctly engrossed: 54, 154, 275, and 288.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 104

The following changes, now required to be reported for publication in the Journal, have been made:

In the Final Reading copy, page 2, line 15, the comma has been stricken, and showed stricken and an underscored period inserted; and all matter stricken by the Beutler amendment has been shown stricken together with the period in line 20; and in the title, line 4, ''to delete an exception;'' has been inserted after the semicolon.

(Signed) Emory P. Burnett
E & R Attorney

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 3, 1981, at 11:00 a.m., were the following bills: 110, 214, 65, 21, 67, 77, 80, 109, 186, 221, 236, and 260.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT FILE

LEGISLATIVE BILL 459. E & R amendments found in the Journal on page 672 for the Thirty-Second Day were adopted.

Mr. Fowler offered the following amendment:

1. Insert a new section as follows:

"Sec. 9. This act shall become operative on October 1, 1981."

2. Renumber remaining sections accordingly.

The amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Dworak offered the following amendment:

1. Insert the following new section:

"Sec. 5. That section 24-710.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-710.01. Any original member, as defined in subdivision (12) of section 24-701, who has not previously retired, may elect to make contributions and receive benefits pursuant to subsection (2) of section 24-703 and subsection (2) of section 24-710, instead of those provided by subsection (1) of section 24-703 and subsection (1) of section 24-710. Such election shall be by written notice delivered to the board not later than ~~September 1, 1977~~ November 1, 1981.".

2. On page 14, line 13, after "24-710," insert "24-710.01,".

3. Renumber remaining sections accordingly.

The amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 205. E & R amendments found in the Journal on page 688 for the Thirty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 409. E & R amendments found in the Journal on page 688 for the Thirty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 195. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 272. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 273. E & R amendments found in the Journal on page 688 for the Thirty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 273A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 355. E & R amendment found in the Journal on page 689 for the Thirty-Third Day was adopted.

Miss Kilgarin offered the following amendment:
Amend LB 355 on page 5, line 4, after "act" insert an underscored period; and strike beginning with "unless" in line 4 through the underscored period in line 5.

Amendment pending.

GENERAL FILE

LEGISLATIVE BILL 476. Title read. Considered.

Mr. DeCamp moved to indefinitely postpone.

MR. CLARK PRESIDING

The DeCamp motion prevailed with 27 ayes, 6 nays, and 16 present and not voting.

MOTION - Print in Journal

Messrs. Carsten, Newell, Fowler, V. Johnson, Hoagland, Cullan, Rumery, Warner, Chambers, Beutler, Goodrich, Wesely, Nichol, L. Johnson, Koch, Wiitala, Fenger, Fitzgerald, Stoney, Beyer, Landis, and Mesdames Higgins, Labedz, Marsh, Pirsch, and Miss Kilgarin moved that LB 390 be placed on General File pursuant to Rule 3, Section 19(b).

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendments to LB 354 in the Journal. No objections. So ordered.

1. On page 2, lines 12 and 13, strike "territorial jurisdiction" show stricken and insert "zoning jurisdiction".

2. In committee amendment 1, line 3, insert "when the airport or restricted landing area has been established by such a city" after "class".

Mr. Burrows asked unanimous consent to print the following amendments to LB 355 in the Journal. No objections. So ordered.

1. Insert the following new section:

"Sec. 6. Any life insurance company which receives interest on policy loans under this act in excess of eight per cent shall annually submit to the Department of Insurance an accounting of the income derived from the use of interest rates which are in excess of eight per cent. The insurance company shall return the income derived from any policy loans imposing an interest rate which is in excess of eight per cent to the policy holders of such company as dividends.".

2. Renumber remaining sections accordingly.

VISITORS

Visitors to the Chamber were Mark Schoultman from Howells; Charles Barr, Jack R. Preston, Virginia Lenhart, and Mike R. Chrisman; 50 fourth grade students and teachers from Ralston; 6 ladies of American Association of University Women from Omaha; and Carl and Jane Ander.

ADJOURNMENT

At 12:06 p.m., on a motion by Mr. Nichol, the Legislature adjourned until 9:00 a.m., Wednesday, March 4, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - MARCH 4, 1981

LEGISLATIVE JOURNAL

THIRTY-SIXTH DAY - MARCH 4, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 4, 1981

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Leland Oswald, Pastor of First Mennonite Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Chambers, Mrs. Higgins, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fifth Day was approved.

NOTICE OF COMMITTEE HEARING
Public Works

LR 21 Wednesday, March 11, 1981 1:30 p.m.

(Signed) Maurice A. Kremer, Chairperson

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 382. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 28.

Introduced by Dworak, 22nd District.

WHEREAS, the 1981 Nebraska high school wrestling championships were decided on February 21, 1981; and

WHEREAS, Columbus High School's wrestling team won an unprecedented third straight Class A championship; and

WHEREAS, Coach Charlie Sherertz and the Columbus wrestling team are deserving of special recognition for their unprecedented wrestling victories.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature extend their congratulations and best wishes to Coach Sherertz and each member of the Columbus High School wrestling team for their Class A championship.

2. That a copy of this resolution be delivered to Coach Sherertz and the team.

Laid over.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 173. Placed on General File as amended.
Standing Committee amendments to LB 173:
Req. #2060

1. On page 2, in line 4, after "whether" insert "or not"; in lines 9 and 21, after "to" insert "the purpose of"; in line 13, strike "or"; in line 14 after "resources" insert ", or for such other conservation purpose as may qualify as a charitable contribution under the Internal Revenue Code of 1954, as amended"; and in line 23 after "property" insert ", or for such other historic preservation purpose as may qualify as a charitable contribution under the Internal Revenue Code of 1954, as amended".

2. On page 3, in line 3, strike "general"; in line 8 after "property" insert a comma; after line 22 insert the following:

"(2) No conveyance of a conservation or preservation easement shall be effective until accepted by the holder.

(3) In order to minimize conflicts with land use planning, each conservation or preservation easement

shall be approved by the appropriate governing body. Such approving body shall first refer the proposed acquisition to and receive comments from the local planning commission with jurisdiction over such property, which shall within sixty days of the referral provide such comments regarding the conformity of the proposed acquisition to comprehensive planning for the area. If such comments are not received within sixty days, the proposed acquisition shall be deemed approved by the local planning commission. If the property is located partially or entirely within the boundaries or zoning jurisdiction of a city or village, approval of the governing body of such city or village shall be required. If such property is located entirely outside the boundaries and zoning jurisdiction of any city or village, approval of the county board shall be required. Approval of a proposed acquisition may be denied if the easement is inconsistent with comprehensive planning for the area or with any national, state, regional, or local program furthering conservation or preservation, or is otherwise not in the public interest.

(4) Notwithstanding the provisions of subsection (3) of this section, the state, or any state agency or political subdivision other than a city, village, or county, may accept an easement after first referring the proposed acquisition to and receiving comments from the local planning commission with jurisdiction over the property, which shall within sixty days of the referral provide such comments regarding the conformity of the proposed acquisition to comprehensive planning for the area. If such comments are not received within sixty days, the proposed acquisition shall be deemed approved by the local planning commission.”; and strike lines 23 through 27.

3. On page 4, strike lines 1 through 12; in line 16, strike the comma and insert a comma after “or”; in line 17 strike “governmental” and insert “governing”, and insert a comma ater “body”; and strike beginning with line 22 through line 27, and insert the following:

“(2) A conservation or preservation easement may be assigned or transferred to any governmental body or charitable corporation or trust authorized to secure such an easement pursuant to this act.”.

4. On page 5, strike lines 1 through 5; in line 11, strike “subservient” and insert “servient”; and in line 13 after “easement” insert “pursuant to this section”.

5. On page 6, line 2, strike “subject real property” and insert “land”; in line 5 after “equity” insert a period; strike beginning with “according” in

line 5 through the period in line 7; in line 25 after the comma insert "that part of"; and in line 26 after "easement" insert "which conflicts with the condemnation".

6. On page 7, line 5, strike "Easement" and insert "Easements".

LEGISLATIVE BILL 384. Placed on General File as amended. Standing Committee amendment to LB 384:

1. On page 4, line 21, after the second comma insert "apiaries,".

LEGISLATIVE BILL 385. Placed on General File as amended. Standing Committee amendment to LB 385:

1. On page 7, line 9, after the period insert "Members of the board of directors and any employees of the corporation shall be reimbursed for their actual and necessary expenses as provided in section 84-306.01 for state employees.".

(Signed) Loran Schmit, Chairperson

MOTION - Return LB 195 to Select File

Mr. Warner moved to return LB 195 to Select File for a specific amendment.

The motion prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 195. Mr. Warner offered the following specific amendment:

Amend LB 195 to add the emergency clause.

The amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 51 to Select File

Mr. Rumery moved to return LB 51 to Select File for a specific amendment.

The motion prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 51. Mr. Rumery renewed his pending amendment, Req. #2116, found in the Journal on page 684.

The amendment was adopted with 26 ayes, 2 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Place LB 390 on General File

Messrs. Carsten, Newell, Fowler, V. Johnson, Hoagland, Cullan, Rumery, Warner, Chambers, Beutler, Goodrich, Wesely, Nichol, L. Johnson, Koch, Wiitala, Fenger, Fitzgerald, Stoney, Beyer, Landis, and Mesdames Higgins, Labedz, Marsh, Pirsch, and Miss Kilgarin renewed their pending motion found in the Journal on page 734 to place LB 390 on General File pursuant to Rule 3, Section 18(b).

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. CLARK PRESIDING

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Carsten moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Wesely asked unanimous consent to be excused. No objections. So ordered.

Mr. Carsten requested a roll call vote.

SPEAKER MARVEL PRESIDING

Voting in the affirmative, 20:

Beutler
Carsten
Chambers
Dworak
Fenger
Fitzgerald
Fowler
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Newell
Pirsch
Stoney
Warner
Wiitala

Voting in the negative, 26:

Barrett
Beyer
Burrows
Chronister
Clark
Cope
DeCamp
Goll
Goodrich
Haberman
Hefner
Kahle
Kremer
Lamb
Maresh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner

Present and not voting, 1:

Cullan

Excused and not voting, 2:

Marsh
Wesely

The motion lost with 20 ayes, 26 nays, 1 present and not voting, and 2 excused and not voting.

LB 390 stands indefinitely postponed.

The Chair declared the Call raised.

NOTICE OF COMMITTEE HEARINGS

Agriculture and Environment

LB 547	Thursday, March 19, 1981	1:30 p.m.
LB 36	Thursday, March 19, 1981 (Rehearing)	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Judiciary

LB 546	Tuesday, March 17, 1981	1:30 p.m.

(Signed) William E. Nichol, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 144A. By Maresh, 32nd District.
This bill introduced on behalf of: LB 144.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 144, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 180A. By Landis, 46th District.
This bill introduced on behalf of: LB 180.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 180, Eighty-seventh Legislature, First Session, 1981.

REFERENCE COMMITTEE REPORTS

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 546 and 547, for the approval of the Nebraska State Legislature.

LB	**Committee**
546	Judiciary
547	Agriculture and Environment

The Legislative Council Executive Board hereby submits the attached Reference Report No. 4, Governor's Appointments.

Education

Bud Weiss, Safety Center Advisory Council
Don Cattle, Safety Center Advisory Council
Sam Grimminger, Safety Center Advisory Council
Duane Schmidt, Safety Center Advisory Council
Larry Morris, Safety Center Advisory Council
Jim Preston, Safety Center Advisory Council
Rollin Schnieder, Safety Center Advisory Council
Ivan Abdouch, Safety Center Advisory Council

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

SELECT FILE

LEGISLATIVE BILL 114. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 246. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 325. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 388. E & R amendments found in the Journal on page 689 for the Thirty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 434. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 144. E & R amendments found in the Journal on page 728 for the Thirty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 354. Mr. Landis asked unanimous consent to withdraw his pending amendments found in the Journal on page 735. No objections. So ordered.

Mr. Landis offered the following amendment:

1. Strike committee amendment 1.
2. On page 2, line 12, reinstate the stricken matter; in line 13 after "acquired" insert "by a city of the metropolitan class"; and in line 14 strike "territorial limits" and insert "zoning jurisdiction".

The amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 55. Mr. Cullan offered the following amendment:

Amend LB 55 on page 2 line 4 after retired judge insert "judges of workmans compensation court"

The amendment lost with 6 ayes, 15 nays, 27 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 76. E & R amendments found in the Journal on page 730 for the Thirty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 83. E & R amendments found in the Journal on page 730 for the Thirty-Fifth Day were adopted.

Mr. Stoney offered the following amendment:

Add the emergency clause to LB 83.

The amendment was adopted with 29 ayes, 0 nays, and 20 present and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 217. Miss Kilgarin requested a machine vote on the advancement of the bill.

Mr. Von Minden moved for a Call of the House. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

Mr. Von Minden requested a roll call vote.

Voting in the affirmative, 25:

Beutler
Chronister
Clark
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Labedz
Landis
Marsh
Newell
Nichol
Remmers
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 19:

Barrett
Beyer
Carsten
Chambers
Cope
Haberman
Kilgarin
Kremer
Lamb
Maresh
Marvel
Peterson, H.
Peterson, R.
Pirsch
Rumery
Sieck
Stoney
Vickers
Wesely

Present and not voting, 2:

Burrows
Fowler

Absent and not voting, 3:

Cullan
Goodrich
Schmit

Advanced to E & R for Engrossment with 25 ayes, 19 nays, 2 present and not voting, and 3 absent and not voting.

The Chair declared the Call raised.

MOTION - Print in Journal

Mr. Koch moved that LB 30 be enacted into law, notwithstanding the objections of the Governor.

Laid over.

MOTION - Withdraw LB 532

Mr. Koch moved to withdraw LB 532.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendments to LB 34 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. On page 2, line 24, before "Before" insert "(1)".

2. On page 3, line 21, strike ", and the" and insert an underscored period; after line 21 insert:

"(2) In any district operating and owning lines in thirteen or more counties in this state, such"; and in line 27 after "board" insert "of such district".

3. On page 4, lines 1 and 2 after "issues" insert an underscored comma; and in line 8 before "With insert "(3)" and start a new paragraph.

VISITORS

Visitors to the Chamber were 8 sixth through eighth grade students, teachers, and sponsors from District #109 Lincoln County; 18 students, teachers, and sponsors from District 100 R near Gothenberg; and Mrs. Edward Maresh, Senator Maresh's sister-in-law from Lincoln.

ADJOURNMENT

At 11:54 a.m., on a motion by Mr. Newell, the Legislature adjourned until 9:00 a.m., Thursday, March 5, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 5, 1981

LEGISLATIVE JOURNAL

THIRTY-SEVENTH DAY - MARCH 5, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 5, 1981

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by G. Bruce Currier, Pastor of Second Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Miss Kilgarin, Mrs. Pirsch, Messrs. Cullan, Fowler, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 697, line 21, strike "3" and insert "2".
The Journal for the Thirty-Third Day was approved as corrected.

The Journal for the Thirty-Sixth Day was approved.

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 331. Placed on General File as amended.
Standing Committee amendments to LB 331:

1. On page 2, lines 16 and 27, after "grain" insert "or the process of ethanol distillation"; and strike beginning with "For" in line 16 through the period in line 19.

2. On page 3, lines 1 and 16, strike "residing in Nebraska"; in line 3 after "grain" insert "or the process of ethanol distillation"; and in line 5 after "committee" insert "for evaluation".

3. Insert a new section as follows:

"Sec. 2. As used in this act, unless the context otherwise requires:

(1) Person shall mean any individual, firm, partnership, association, or corporation; and

(2) Distillers' grain shall mean the unfermentable portion of a grain mash comprised of protein, unconverted carbohydrates and sugars, and inert material.".

4. Renumber original sections 2 to 7 as sections 3 to 8 respectively.

(Signed) Loran Schmit, Chairperson

MESSAGE FROM THE GOVERNOR

March 4, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 80, 109, 110, 236, and Reengrossed Legislative Bill 65 were received in my office on March 3, 1981.

These bills were signed by me on March 4, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

EXECUTIVE BOARD REPORT

The Executive Board of the Legislative Council reports the following motion taken at the Executive Board meeting on Wednesday, March 4, 1981.

Adopted a motion to authorize an expenditure of $80,000 General Fund from the Fiscal Year 1980-1981 appropriation for the Legislative Council to continue the development of a comprehensive data base under the Research Division of the Legislative Council to provide for a thorough and continuing analysis of the revenue and expenditure records of political sub-divisions for use by the Legislature and state agencies.

The data collection and computer program development is to begin immediately, and periodic progress reports will be made to the Executive Board by the Chairman of the Revenue Committee upon the request of the Executive Board Chairman. The data collection and computer analysis effort are to be completed by January 1, 1982. After that date the collection and related duties will be the responsibility of the State Auditor.

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

ATTORNEY GENERAL'S OPINIONS

Opinion No. 34
March 3, 1981

Dear Senator Carsten:

You have submitted to us a proposed amendment to LB 59, and have asked our opinion as to its constitutional validity. The amendment would add a new section to the bill, to provide: "Severed mineral interests shall be valued in the same manner as other real property, except that if there is no known or ascertainable value for the mineral interest an actual value of one dollar per acre shall be used."

There are several constitutional attacks which could be made on such a provision, and some of them are very troublesome. Perhaps the first we should discuss is the question of usurpation of administrative or quasi-judicial powers by the Legislature. The determination of the proper assessed valuation is, of course, a matter addressed to the designated administrative officials, who exercise a quasi-judicial function in performing it. Here, however, with respect to the designated class of property the Legislature would remove that function from the administrative officials, and make the determination itself.

In Crane v. Voorhis, 178 N.E. 169 (N.Y. 1931), in declaring a certain legislatively-prescribed ballot form unconstitutional, the court said:

> What would be unreasonable and unfair to the voter is a question of fact dependent upon the circumstances of each case. It is a judicial question and not a matter for arbitrary legislation. . . . Such an arbitrary selection by the Legislature for the formation of a ballot is to declare beforehand what is or is not fair and reasonable, whereas it may appear in the particular instance to be very unfair and very unreasonable.

We recognize the difficulty of putting a value on severed mineral interests where there is no present production, or immediate prospect of exploration in the vicinity. There can be a wide range of values of such interests, all of which might fall in the category of having "no known or ascertainable value." At one end of the spectrum would be mineral interests in a tract of land upon which a dry hole had been drilled. At the other end would be such interests in land as to which geological evidence indicated a good prospect for oil. The value of such interest might be highly speculative as to each, and it might be very difficult to ascertain what value should be put on the interest, but it seems arbitrary and capricious for the Legislature to undertake to set the value by statute.

We realize that one dollar per acre is a rather nominal value, but if the Legislature can specify that value, what is to prevent its setting other values for taxable property? If it can set the value at one dollar per acre, why can't it set it at ten dollars, or one hundred dollars? The principle would appear to be the same.

We have found two cases in which the Legislature had set minimum dollar values for taxable property. In Copper Queen Consolidated Mining Co. v. Arizona, 206 U.S. 474 (1907), the statute provided that the taxing authorities should not assess any real estate at less than seventy-five cents per acre. In South Utah Mines and Smelters v. Beaver County, 262 U.S. 325 (1923), a statute provided that all metalliferous mines or mining claims should be assessed at an arbitrary value of five dollars per acre plus "a value based on some multiple or submultiple of the net annual proceeds thereof." However, in neither of those cases was the validity of the provision in question challenged or discussed, or, in fact, involved in the merits of the case. These cases do not, therefore, shed any light on the question we are concerned with.

It can also be argued that the provision denies the holders of the severed mineral interests due process of law, since it would permit the taxing officials to assign a value of one dollar per acre to the minerals in the absence of any evidence that they had any value at all. It would also seem to require the minerals to be given that value, in spite of positive evidence that they had some unascertainable value of less than one dollar per acre.

You inquire about whether the provision would violate the uniformity clause of Article VIII, section 1 of the Constitution. It might. That provision requires taxes to be levied uniformly and proportionately upon all tangible property. Even though the values might be unknown or unascertainable, it might be shown that some such minerals had greater prospects of production than others. To value all of them the same would appear to violate Article VIII, section 1.

It is therefore apparent that the amendment raises several questions as to constitutionality which might be difficult to answer.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 35
March 3, 1981

Dear Senator Fenger:

If it were to become operative law, LB 308 of the Eighty-seventh Legislature would materially amend Neb.Rev.Stat. §79-801 (Supp. 1980). You have asked three questions which pertain thereto. For reasons hereinafter stated, only one of those questions need be discussed.

Subject to certain conditions precedent, section 1 of LB 308 would ostensibly permit the registered voters of Class I school districts which form certain territory annexed to a Class III school district by petition to vote at an election as to which school district the annexed territory shall be a part of. However, the provisions of Neb.Rev.Stat. §79-801 (Supp. 1980) which pertain to conducting such an election has been deleted in LB 308.

There is yet another problem with LB 308. Section 2 of LB 308 provides that the owner or owners of certain platted land may file a petition with the school board of the Class III school district of the city approving the plat in which a request is made that such land be transferred to and become a part of the Class III school district of the city approving the plat. It does not, however, contain any guidelines by which the school district is to administer such requests. Thus, the question immediately arises as to whether section 2 of LB 308 is violative of the distribution of powers section of the Constitution, to wit, Article II, Section 1, and also violative of the due process of law provision, Article I, Section 3 of the Constitution.

In the constitutional sense, legislative power is a part and parcel of the distribution of powers concept. Legislative power, of course, is the power to enact rules of law for the regulation of people or property. It involves the exercise of discretion as to the contents of statutes and their policy. Obviously, the Legislature may delegate legislative power to others. However, when it delegates such power to a public officer or administrative agency for the enforcement of its legislative will, the statute of delegation must contain reasonable guidelines and understandable fact standards by which the act will be administered. Williams v. County of Buffalo, 181 Neb. 233, 147 N.W.2d 776 (1967). As noted above, there are no fact standards in LB 308 by which the school board is to determine if the petition described in section 2 of LB 308 should be approved or disapproved. It therefore appears to us that LB 308 is unconstitutional.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:jmf
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 36
March 4, 1981

Dear Senator V. Johnson:

You have requested our opinion concerning the constitutional validity of LB 69 in light of its recent proposed amendment. In particular, you have raised the question as to whether the amendment would constitute special legislation.

LB 69 requires the use of child passenger restraint systems, and the proposed amendment which you have questioned would exclude children that are passengers of pickup trucks. It is our conclusion that if such an amendment is adopted, it would be difficult to defend this bill against a constitutional attack.

The question of special legislation has been dealt with frequently by our Court, and certain fundamental guidelines have been established.

> A legislative classification, in order to be valid, must be based upon some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a substantial difference.

(Emphasis in original.) State ex rel. Douglas v. Marsh, 207 Neb. 598, 609, _ N.W.2d _ (1980).

The purpose of LB 69 is obviously to provide a greater degree of safety for young children who are passengers in motor vehicles. It would not appear that the exemption of pickup trucks from the operation of the proposed legislation is based upon any real difference in situation or circumstances. It is essential that legislation operate uniformly in order to be valid. Otoe County v. State Board of Equalization & Assessment, 182 Neb. 621, 156 N.W.2d 728 (1968). Therefore, it is our opinion that such an exemption could very well render this legislation constitutionally invalid.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Ruth Anne E. Galter
Assistant Attorney General

RAEG:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 206 and 206A.

UNANIMOUS CONSENT - Member Excused

Mr. Nichol asked unanimous consent to be excused Friday, March 6, 1981. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 9.

A BILL FOR AN ACT relating to trusts; to prohibit the acquiring of additional agricultural land by certain trusts; to provide duties; and to provide a penalty.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

Beyer
Burrows
Carsten
Clark
Cope
DeCamp
Fenger
Fowler
Goll
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Landis
Maresh
Newell
Peterson, R.
Pirsch
Remmers
Rumery

Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 12:

Barrett
Beutler
Chronister
Dworak
Fitzgerald
Goodrich
Hoagland
Koch
Marsh
Marvel
Nichol
Peterson, H.

Present and not voting, 2:

Chambers
Warner

Excused and not voting, 2:

Cullan
Kilgarin

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION - Return LB 34 to Select File

Mr. DeCamp moved to return LB 34 to Select File for a specific amendment.

Mr. DeCamp asked unanimous consent to withdraw his motion. No objections. So ordered.

Mr. Lamb asked unanimous consent to withdraw his pending amendment found in the Journal on page 745. No objections. So ordered.

Mr. Lamb moved to return LB 34 to Select File for the following specific amendment:
1. On page 2, line 24, before “Before” insert “(1)”.
2. On page 3, line 21, strike “, and the” and insert an underscored period; after line 21 insert:
“(2) In any district operating and owning lines in more than thirteen counties in this state, such”; and in line 27 after “board” insert “of such district”.
3. On page 4, lines 1 and 2 after “issues” insert an underscored comma; and in line 8 before “With” insert

"(3)" and start a new paragraph.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

MR. CLARK PRESIDING

Mr. Lamb requested a roll call vote on returning LB 34 to Select File.

Voting in the affirmative, 19:

Carsten
Chronister
Clark
Fenger
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Koch
Lamb
Maresh
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Von Minden
Wagner

Voting in the negative, 26:

Barrett
Beyer
Burrows
Chambers
Cope
DeCamp
Dworak
Fitzgerald
Fowler
Goll
Higgins
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Pirsch
Schmit
Stoney
Vickers
Wesely
Wiitala

Present and not voting, 1:

Kremer

Excused and not voting, 2:

Beutler
Cullan

Absent and not voting, 1:

Warner

The motion to return LB 34 to Select File lost with 19 ayes, 26 nays, 1 present and not voting, 2 excused and not voting, and 1 absent and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 34.

A BILL FOR AN ACT relating to public power districts; to amend sections 70-620, 70-637, 70-638, 70-639, 70-642, and 70-643, Reissue Revised Statutes of Nebraska, 1943; to restrict the appointment of a treasurer as prescribed; to provide for rules and regulations; to provide additional considerations for the letting of certain contracts; to place restrictions on certain payments or expenditures as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

Burrows
Chambers
Cope
DeCamp
Dworak
Fitzgerald
Fowler
Goll
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Pirsch
Schmit
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 19:

Barrett
Beyer
Carsten
Chronister
Fenger
Goodrich
Hefner
Johnson, L.
Kahle
Lamb
Maresh
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Stoney
Von Minden
Wagner

Present and not voting, 2:

Clark
Warner

Excused and not voting, 2:

Beutler
Cullan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 124.

A BILL FOR AN ACT to amend section 53-132, Reissue Revised Statutes of Nebraska, 1943, and sections 53-164.01 and 53-180.02, Revised Statutes Supplement, 1980, relating to liquors; to provide standards for licenses; to provide duties; to clarify provisions relating to minors; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is 'Shall the bill pass?'"

Voting in the affirmative, 43:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 3:

Chambers
Johnson, V.
Stoney

Present and not voting, 2:

Kremer
Rumery

Excused and not voting, 1:

Beutler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 178.

A BILL FOR AN ACT relating to taxation; to amend sections 66-416, 66-628, 77-2712, and 77-27,106, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to collection of delinquent various taxes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Barrett
Beyer
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 6:

Burrows
Cullan
Higgins
Kremer
Marvel
Schmit

Excused and not voting, 1:

Beutler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 345.

A BILL FOR AN ACT to amend sections 43-512.01, 43-512.03, 43-512.05, 43-512.07, and 43-512.10, Reissue Revised Statutes of Nebraska, 1943, relating to child support; to provide duties; to provide procedures for collections; to provide for assignment of certain payments; to provide for interpretation of certain provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck

Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Koch

Excused and not voting, 1:

Beutler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Members Excused

Mr. Stoney asked unanimous consent to be excused Friday, March 6, and Monday, March 9, 1981. No objections. So ordered.

Mr. Koch asked unanimous consent to be excused Friday, March 6, 1981. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 5, 1981, at 10:12 a.m., were the following bills: 206 and 206A.

(Signed) Hazel Kaltenberger, Enrolling Clerk

UNANIMOUS CONSENT - Pass Over LB 30

Mr. Koch asked unanimous consent to pass over his motion found in the Journal on page 744 to override the Governor's veto. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 457. Mr. Maresh offered the following amendments:
Req. #2137

1. Insert a new section as follows:

"Sec. 2. That section 50-422, Revised Statutes Supplement, 1980, be amended to read as follows:

50-422. The committee created by section 50-421 shall maintain a continuous study to evaluate highway, road, ~~and~~ street, and navigable waterway needs of the state and its political subdivisions, determine the effectiveness of programs, and consider future legislation. In performing such duties, the committee shall periodically meet and confer with officials of the state and its political subdivisions having responsibility for highways, roads, ~~and~~ streets, and navigable waterways. The committee may review proposed legislation and make recommendations to the Legislature with respect thereto. The committee shall make an annual report of its activities to the Clerk of the Legislature. Each member of the Legislature shall receive a copy of such report by making a request for it to the chairperson of the committee. The committee may employ such personnel as may be necessary to assist it in the performance of its duties.''.

2. On page 2, line 20, strike ''is'' and insert ''and section 50-422, Revised Statutes Supplement, 1980, are''.

3. Renumber original section 2 as section 3.

The amendments were adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Cope requested a machine vote.

Advanced to E & R for Engrossment with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 136. Mr. Stoney requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 7 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 128. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 462. E & R amendments found in the Journal on page 730 for the Thirty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 279. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 459A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 144A. Title read. Considered.

Mr. Landis requested a record vote.

Voting in the affirmative, 28:

Burrows
Carsten
Chronister
DeCamp
Dworak
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Maresh
Marsh
Nichol
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 5:

Beyer
Cope
Cullan
Fenger
Stoney

Present and not voting, 15:

Barrett
Chambers
Clark
Fitzgerald
Fowler
Goll
Goodrich
Johnson, V.
Lamb
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Wesely

Excused and not voting, 1:

Beutler

Advanced to E & R for Review with 28 ayes, 5 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 72. Title read. Considered.

Standing Committee amendments found in the Journal on page 559 for the Twenty-Sixth Day were adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

MR. CLARK PRESIDING

Advanced to E & R for Review with 25 ayes, 9 nays, 14 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 73. Title read. Considered.

Standing Committee amendments, Req. #2075, found in the Journal on page 560 for the Twenty-Sixth Day were adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 74. Title read. Considered.

Standing Committee amendments found in the Journal on page 560 for the Twenty-Sixth Day were considered.

Mr. Nichol offered the following amendment to the Standing Committee amendments:
On pg 2, line 8 strike "10" and insert "5"
On pg 3, line 5 strike "two dollars" and insert "five dollars"

The amendment was adopted with 29 ayes, 1 nay, 18 present and not voting, and 1 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 1 nay, 19 present and not voting, and 1 excused and not voting.

Mr. Chambers offered the following amendment:
Amend page 2 line 12 strike new language, insert fifty cents.

Amendment pending.

Mr. Maresh asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 501. Placed on General File.

LEGISLATIVE BILL 392. Placed on General File as amended.
Standing Committee amendments to LB 392:

1. On page 2, reinstate the stricken matter beginning with "not" in line 13 through "of" in line 14; and in line 14 after "~~seven~~" insert "twelve" and reinstate "per cent per annum".

2. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) David Landis, Chairperson

Revenue

LEGISLATIVE BILL 12. Placed on General File.
LEGISLATIVE BILL 352. Placed on General File.

LEGISLATIVE BILL 59. Placed on General File as amended.
Standing Committee amendments to LB 59:
Req. #2131

1. Insert the following new sections:

"Sec. 4. Appeals from actions of the county assessor pursuant to this act may be taken to the county board of equalization in the same manner as provided in Chapter 77, article 15.

Sec. 5. The Department of Revenue shall adopt and promulgate rules and regulations necessary for the implementation of this act. The Department of Revenue shall also prescribe necessary forms for the implementation of this act.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber original section 4 as section 6.

LEGISLATIVE BILL 168. Placed on General File as amended.
Standing Committee amendments to LB 168:
Req. # 2132

1. Strike original section 1 and insert the following new section:

"Section 1. For purposes of sections 1 to 5 of this act and sections 60-1609, 60-1609.01, and 60-1611, unless the context otherwise requires, mobile home shall mean every portable or relocatable device of any description, without motive power, and designed for living quarters, but shall not include any mobile home which is permanently attached to the real estate upon which it is situated nor shall it include a cabin trailer registered for operation upon the highways of this state.".

2. On page 3, line 7, strike "The sticker" and insert "Stickers shall be dated for each year, and"; in line 8 after "address" insert an underscored period; and strike beginning with the first underscored comma in line 8 through the period in line 10; strike beginning with "For" in line 11 through line 16 and insert "The owner of every mobile home whose mobile home was in this state on January 1 shall apply each year to the county assessor by March 1 for a taxation sticker. If the mobile home is

listed for taxation for that year, the county assessor shall furnish each applicant with a taxation sticker which shall be completed as provided in section 2 of this act.”; and in line 25 strike “an assessment” and insert “a taxation”.

3. On page 4, line 1, strike “assessed” and insert “listed for tax purposes”; in line 3 strike “an assessment” and insert “a taxation”; and strike beginning with “owner” in line 15 through “business” in line 16, show as stricken, and insert “vehicle has tax situs, as defined in section 77-1202”.

4. Insert the following new sections:

“Sec. 7. That section 60-1609, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1609. The owner, lessee, or manager of land upon which is parked or located a ~~cabin trailer or~~ mobile home, ~~for a period of thirty days,~~ shall report by January 15 of each year to the county assessor~~, upon forms sent by the county assessor not oftener than once each thirty days,~~ in the county in which such land is located, all mobile homes located thereon as of January 1 of each year, the name, post-office address of the owner or occupant thereof, and the date the ~~cabin trailer or~~ mobile home was first parked or located on such land. ~~In addition, the owner, lessee or manager of land upon which is parked or located a cabin trailer or mobile home shall report by February 1 of each year to the county assessor in the county in which such land is located all cabin trailers or mobile homes located thereon as of January 1 of each year and the additional information required by this section.~~ Failure to make any report required by this section shall result in cancellation of the permit issued and forfeiture of the fee paid pursuant to section 60-1609.01.

Sec. 8. That section 60-1609.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1609.01. Every owner, lessee, or manager of land upon which are located or to be located two or more ~~cabin trailers or~~ mobile homes shall obtain a permit therefor from the county treasurer upon payment of an annual fee of five dollars which shall be deposited in the county general fund. Such annual permit shall be renewed during January of each year. Application for such permit shall be made on forms prescribed and furnished by the Tax Commissioner.

Sec. 9. That section 60-1611, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1611. A mobile home ~~or a cabin trailer~~ may not be moved upon any road or highway in the state without first obtaining a movement permit as required by law for the movement of any oversize vehicle. No movement permit shall be issued by any governmental agency charged with issuance thereof unless a tax certificate issued by the county treasurer showing payment of all taxes due or to become due because of the location of such ~~cabin trailer or~~ mobile home in such county on assessment day is displayed by the owner. A tax certificate shall not be required if the movement contemplated is between a manufacturer and a licensed dealer or between two licensed dealers or between a licensed dealer's place of business or storage area and a bona fide customer to whom title to the mobile home has passed or does pass within a reasonable time after movement. For the purposes of this section, taxes and fees shall include those of all governmental subdivisions. Nothing in this section shall alter or amend any other existing regulations, rules, or statutes governing the movement of ~~cabin trailers or~~ mobile homes. ~~, and unless otherwise provided, the movement of mobile homes shall be subject to the same regulations, rules or statutes governing the movement of cabin trailers.~~

Sec. 10. That section 60-1612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1612. Any person violating any of the provisions of ~~sections 60-1601 to 60-1613~~ section 60-1609, 60-1609.01, or 60-1611 shall be guilty of a Class IV misdemeanor.

Sec. 11. That section 60-1613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1613. Nothing in sections ~~60-1601 to 60-1613~~ 60-1609, 60-1609.01, and 60-1611 shall be construed as altering or affecting in any manner, any zoning, planning, building or land-use, laws, ordinances, rules, or regulations.

Sec. 12. That section 60-1801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1801. As used in sections 60-1801 to 60-1808, unless the context otherwise requires, camper unit shall mean any structure designed and intended to be placed on a truck and to provide living quarters and which may be removed from a truck without dismantling or damage when ordinary care is exercised. Camper unit shall not be construed to include a self-propelled mobile home as defined in section 60-301, or a ~~cabin trailer~~ mobile home as defined in section ~~60-1601~~ 1 of this act.”.

5. On page 5, line 16, strike the comma and insert “~~,~~ and”; in line 17 strike “and cabin trailer,” and show the old matter as stricken, and strike “as defined”, and show as stricken; in line 18 strike “in”, show as stricken, and strike “section 60-1601,” and show the old matter as stricken; in line 20 after “state” insert “, and every cabin trailer, as defined in section 60-301, subject to taxation and registered for operation upon the highways of this state”.

6. On page 6, strike lines 23 to 27 and show as stricken.

7. On page 7, strike lines 1 to 3 and show the old matter as stricken.

8. Strike original sections 9 to 11 and insert the following new section:

“Sec. 15. That section 77-1240, Revised Statutes Supplement, 1980, be amended to read as follows:

77-1240. Except as to motor vehicles subject to the provisions of sections 77-1241.02 to 77-1241.08, the county assessor of each county shall compute the motor vehicle tax upon all motor vehicles, except dealer’s vehicles on hand, registered in each taxing unit within the county based upon the values certified to him or her by the State Board of Equalization and Assessment or the Tax Commissioner, ~~and reviewed under section 77-1239.04,~~ and cause a notice of the amount of such tax to be sent through the United States mails to the registrant at the address shown upon his or her registration certificate, on a prenumbered statement form prescribed by the Tax Commissioner, on or before the first day of the registration period pursuant to the provisions of section 77-1238. ~~Except as provided in section 77-1240.05, the~~ The amount so certified together with the registration fee shall be paid prior to the registration of the motor vehicle for the following registration period. For the purpose of this section the tax situs of each motor vehicle used and owned for nonbusiness purposes shall be in the county, precinct, township, city, village, and school district where such property is principally stored and kept, and of each motor vehicle used or owned by any student such tax situs shall be at the place of residence of such student if different from the place at which he or she is attending school.”.

9. On page 9, strike beginning with “When” in line 5 through line 22, and show the old matter as stricken.

10. On page 10, line 17, after “include” insert “every transportable or relocatable device of any description without motive power and designed for living

quarters, whether or not permanently attached to real estate, but shall not include a cabin trailer registered for operation upon the highways of this state.", and strike beginning with "a" in line 17 through the underscored period in line 21 and show the old matter as stricken.

11. Strike original section 14 and insert the following new section:

"Sec. 18. That original sections 60-302, 60-1609, 60-1609.01, 60-1611 to 60-1613, 60-1801, and 77-1238, Reissue Revised Statutes of Nebraska, 1943, and sections 77-1239, 77-1240, 77-1241, and 77-3502, Revised Statutes Supplement, 1980, and also sections 60-1601, 60-1601.01, 60-1604, 60-1608, 60-1610, and 77-1240.02, Reissue Revised Statutes of Nebraska, 1943, and sections 60-1602, 60-1603, 60-1605, 77-1239.03, 77-1239.04, 77-1240.05, and 77-1240.06, Revised Statutes Supplement, 1980, are repealed.".

12. Renumber original sections 7, 8, 12, 13, and 15, as sections 13, 14, 16, 17, and 19, respectively.

LEGISLATIVE BILL 284. Placed on General File as amended.
Standing Committee amendments to LB 284:

1. Strike original sections 6 to 11.

2. On page 2, line 20, after the period, insert "For fiscal year 1980-81, it is the intent of the Legislature to also appropriate to the fund an amount approximately equal to the amount of interest income earned by the state on any monthly payments not made pursuant to the schedule in section 3 of this act prior to the initial payment made following the effective date of this act.".

3. On page 7, strike beginning with "original" in line 20 through line 21.

4. Remove all underscoring.

5. Renumber original sections 12 to 14 as sections 6 to 8, respectively.

LEGISLATIVE BILL 177. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

ANNOUNCEMENT

Mr. DeCamp announced the Banking, Commerce and Insurance Committee will meet in executive session at 1:00 p.m. today, March 5, in Senator DeCamp's office.

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

Governor's Appointments

Dick Davis - Thursday, March 12, 1981 Nebraska Arts Council	1:30 p.m.
Lois Roskens - Thursday, March 12, 1981 Nebraska Arts Council	1:30 p.m.
Jeanne Smith - Thursday, March 12, 1981 Nebraska Arts Council	1:30 p.m.

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Member Excused

Miss Kilgarin asked unanimous consent to be excused Friday, March 6, 1981. No objections. So ordered.

VISITORS

Visitors to the Chamber were 30 fourth grade students and teachers from Underwood Hills Elementary School, Omaha; former Senator Tom Kennedy from Newman Grove; and Mrs. Kahle and Allison and Becky Hartman (granddaughters of Senator and Mrs. Kahle).

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Remmers, the Legislature adjourned until 9:00 a.m., Friday, March 6, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 6, 1981

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 6, 1981

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Gerald Lundby, American Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Miss Kilgarin, Messrs. Koch, Nichol, and Stoney who were excused; and Messrs. Fowler, V. Johnson, Newell, Schmit, Sieck, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Seventh Day was approved.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 78. Placed on General File as amended.
Standing Committee amendments to LB 78:

1. On page 2, line 23, after "network" insert "for portions of the state not in the primary reception area of an existing noncommercial educational and public radio station".

2. On page 5, after line 7 insert the following new subdivision:

"(12) The commission shall provide for programming to the blind and other print handicapped, as authorized by the Federal Communications Commission under subsidiary communications authority rules, through contracts with appropriate nonprofit corporations or organizations which have been created for this purpose."; in line 8 strike “(12)” and insert “~~(12)~~ (13)”; in line 20 strike “(13)” and insert “~~(13)~~ (14)”; and in line 22 strike “(14)” and insert “~~(14)~~ (15)”.

3. On page 6, line 1 strike “(15)” and insert “~~(15)~~ (16)”; and in line 10 strike “(16)” and insert “~~(16)~~ (17)”.

LEGISLATIVE BILL 317. Placed on General File as amended.
Standing Committee amendments to LB 317:

1. On page 3, line 6, strike “operated” and insert “provided”; in line 8 after the period insert “The residential care may be provided by contracting with another public entity, service agency, or other program including private services, or any combination thereof, whose programs are approved by the State of Nebraska.”; in line 10 after “age” insert “whose educational services have not been terminated”; in line 11 after “facility” insert “or respite care or in-home assistance program”; strike beginning with “Such” in line 12 through the period in line 15; in line 19 after “4.” insert “The individual education program determination process which considers and determines the services to be provided for a mentally retarded individual of less than twenty-one years of age shall include the parent or guardian and the appropriate school district and, if residential placement is contemplated, the appropriate office of mental retardation.”; and in line 22 after “placed” insert “in a residential facility or residential support program”.

2. On page 5, line 8, strike “7” and insert “4”.

3. On page 8, lines 5 and 6, strike the new matter and reinstate the stricken matter; and in line 11 after the period insert “A regional office of mental retardation may initiate a hearing on matters relating to the residential placement of a child.”.

4. On page 11, line 9, strike “6” and insert “7”; and in line 20 after “Legislature” insert “and such budget shall insure full funding and support for residential programs and services for mentally retarded residents under twenty-one years of age”.

5. Renumber original sections 5, 6, and 7 as sections 6, 7, and 5, respectively.

LEGISLATIVE BILL 320. Placed on General File as amended.
Standing Committee amendments to LB 320:
Req. #2142

1. On page 4, lines 11 and 12, reinstate the stricken matter.

2. Insert a new section as follows:

"Sec. 2. That section 79-2650.07, Revised Statutes Supplement, 1980, be amended to read as follows:

79-2650.07. ~~No~~ Except when such use has been approved at an election held pursuant to section 79-2650.03, no tax levied pursuant to subsection (2) of section 79-2650 shall be used by an area for (1) new capital structures, (2) additions to existing structures, or (3) lease-purchase agreements or other new construction contracts the total cost of which to be paid from tax funds exceeds ~~one~~ two hundred thousand dollars.".

3. On page 5, line 8, strike the new matter; in line 9 strike the new matter and reinstate the stricken matter; reinstate the stricken matter beginning with "may" in line 14 through the semicolon in line 20; reinstate the stricken matter beginning with "Western" in line 20 through the period in line 24; and in line 21 after the reinstated "Campus" insert "; and the Metropolitan Technical Community College Area at the Fort Omaha Campus".

4. On page 6, line 1, before "are" insert "the technical community college areas"; in line 6 after the first comma insert "79-2650.07,"; and strike beginning with "and" in line 8 through the comma in line 9.

5. Renumber original sections 2 to 5 as sections 3 to 6, respectively.

LEGISLATIVE BILL 321. Placed on General File as amended.
Standing Committee amendments to LB 321:
Req. #2144

1. On page 9, line 15, after the period insert "The authority is authorized to receive contributions to fund any of the expenses of the authority from any one or more of the private institutions of higher education or an association representing the private institutions of higher education.".

2. Insert the following new section:

"Sec. 55. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 91. Indefinitely postponed.
LEGISLATIVE BILL 223. Indefinitely postponed.
LEGISLATIVE BILL 363. Indefinitely postponed.
LEGISLATIVE BILL 439. Indefinitely postponed.

(Signed) Jerry D. Koch, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 376. Placed on General File as amended.
Standing Committee amendment to LB 376:

1. On page 2, line 19, strike "two", show as stricken, and insert "three".

LEGISLATIVE BILL 133. Indefinitely postponed.
LEGISLATIVE BILL 277. Indefinitely postponed.

(Signed) John W. DeCamp, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 51.

Correctly Engrossed

The following bills were correctly engrossed: 125, 150, 195, 205, 272, 273, 273A, 409, and 459.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 459

The following changes, required to be reported to you for publication in the Journal, have been made:

In the title, line 3, "24-710.01," has been inserted after the fourth comma; and in line 6, "to provide an operative date;" has been inserted after the semicolon.

(Signed) Emory P. Burnett
E & R Attorney

UNANIMOUS CONSENT - Member Excused

Mr. Koch asked unanimous consent to be excused Monday, March 9, 1981 and Tuesday, March 10, 1981. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 5, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 21 and 260 were received in my office on March 3, 1981.

These bills were signed by me on March 5, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 9, 34, 124, 178, and 345.

GENERAL FILE

LEGISLATIVE BILL 74. Title read. Considered.

Mr. Chambers renewed his pending amendment found in the Journal on page 761.

Mrs. Labedz offered the following amendment to the Chambers amendment:

Strike "fifty cents" and insert "two dollars".

The amendment was adopted with 25 ayes, 5 nays, 11 present and not voting, and 8 excused and not voting.

Mr. Chambers offered the following amendment to the Chambers amendment, as amended:

Strike $2.00 - insert $1.50.

The amendment lost with 7 ayes, 23 nays, 11 present and not voting, and 8 excused and not voting.

The Chambers pending amendment, as amended, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 28 ayes, 6 nays, 9 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Von Minden asked unanimous consent to have his name added to LB 269. No objections. So ordered.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 37

March 5, 1981

Dear Senator Kahle:

You have requested the opinion of this office regarding L.B. 407 which would amend Neb.Rev.Stat. § 82-118 (Reissue 1976). Said statute presently authorizes the Nebraska State Historical Society to perform all acts necessary on behalf of the State of Nebraska to carry out the purposes and objectives of an Act of Congress entitled An Act to establish a program for the preservation of additional historic properties throughout the Nation, approved October 15, 1966, P.L. 89-665, 89th Cong. L.B. 407 would add the language, "as amended as of January 1, 1981," to the description of this congressional enactment. You have inquired whether the changes proposed by L.B. 407 are necessary in order for the Nebraska State Historical Society to continue participating in this historic preservation program.

P.L. 96-515, 96th Cong., 2nd Session, the National Historic Preservation Act Amendments of 1980, effective upon the President's signature on December 12, 1980, provides for significant changes in the historic preservation programs. Many of these modifications are directed at the nature and extent of state participation in the national historic preservation program.

Since, by its terms, § 82-118 directs the society to participate in the national program as it was established by the congressional enactment of 1966, without the amendment proposed by L.B. 407, in our opinion, serious questions would exist regarding the society's authority to participate in those programs established or modified by the federal act of 1980.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Fritz
Assistant Attorney General

LF:pes
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 38
March 5, 1981

Dear Senator L. Johnson:

In your letter of February 20, 1981, you asked our opinion as to the constitutional validity of LB 489, in particular section 3, paragraphs 2 and 3. LB 489 involves the establishment of a penalty for tampering with meters involved in the provision of public services and utilities. Paragraph 2 of section 3 reads as follows:

> When there is no evidence to the contrary, the person performing any of the illegal acts in subsection (1) of this section and the person, who with knowledge of such violation receives the benefit of such service without proper charge as a result of such improper action shall be presumed to be responsible for such acts of tampering or diversion.

Paragraph 3 of this section merely provides for a fine of from one thousand to five thousand dollars for each such offense.

The Legislature may, of course, establish a fine as a means of punishment for the commission of a criminal offense. There is thus nothing technically wrong with paragraph 3 of LB 489, section 3. It should be noted, however, that as a criminal offense, the violation of this statute and the penalty imposed thereunder do not fall within the classification of misdemeanor offenses and penalties outlined in Neb.Rev.Stat. §28-106 (Reissue 1979). One of the purposes of the new Nebraska Criminal Code was to classify all crimes and to establish a uniform system of penalties for the various categories. The establishment of such individualized penalties thus erodes the effort that was placed into the new Criminal Code.

Your concern with paragraph 2 appears to be that it establishes a presumption of responsibility for the illegal acts, and hence guilt, when a person receives the benefit of the services at less than the proper charge, with knowledge of the existing violation.

The Nebraska Supreme Court dealt with the situation of a statutory presumption of guilt in the case of Mantell v. Jones, 150 Neb. 785, 36 N.W.2d 115 (1949). The court concluded that:

> [T]he rule to be applied is that an act of the Legislature declaring a prima facia case or a statutory presumption of guilt of a defined criminal offense upon proof of certain facts is valid and not subject to attack on constitutional grounds if in light of the common circumstances and experiences of life there is a rational connection between the facts thus to be proved and the ultimate fact to be presumed.

Id. at 792. The "rational connection" test has also been used by the United States Supreme Court in evaluating other such statutory presumptions in criminal cases. United States v. Gainey, 380 U.S. 63 (1965); and United States v. Romano, 382 U.S. 136 (1965). In Leary v. United States, 395 U.S. 6 at 36 (1969), the Court rephrased this test as follows, "[A] criminal statutory presumption must be regarded as 'irrational' or 'arbitrary' and hence unconstitutional, unless it can at least be said with substantial assurance that the presumed fact is more likely than not to flow from the proved fact on which it is made to depend."

It is thus necessary to examine the presumption created in LB 489 and determine exactly what it does in the contest of a criminal proceeding, and then to apply the "rational connection" or "substantial assurance" test to determine its validity. It is important to note that this section still provides that the prosecution must first establish a prima facie case. It must first be shown that the person received the benefit of such services without a proper charge as a result of a violation of the act or meter tampering, and that in turn this person had knowledge that such a violation or tampering had occurred. It is only then, and only if there has been no evidence presented to the contrary to show that this individual was not responsible, that the presumption applies that this person is responsible for the acts of tampering or diversion. Whether or not there has been any evidence presented to the contrary, appears to be a question for the finder of fact to resolve. Thus there is no automatic presumption of guilt arising under this statute. The defendant certainly has the opportunity to present evidence showing he was not in fact responsible and if he can present such evidence, there is no presumption. More importantly, all this occurs only after the prosecution has established its prima facie case.

If it can be shown that the individual had knowledge of the tampering, was receiving the benefit of the services at less than cost, and was able to present no evidence showing he was not, in fact, responsible, it appears to be entirely logical, within the realm of common experience, and virtually indisputable that this same individual is in actuality responsible for the original tampering or diversion of the services. In this regard, the test of a "rational connection'' or a ''substantial assurance'' appears to be more than satisfied. The presumption thus appears to be constitutionally valid, and not in violation of due process. It is therefore our opinion that LB 489, section 3, is constitutional and would in all likelihood be upheld if challenged in court.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 56. Placed on General File as amended.
Standing Committee amendments to LB 56:
Req. #2130

1. Strike the original sections and insert the following new sections:

''Section 1. The Legislature finds and declares that a permit system is necessary to protect Nebraska's ground and surface water resources and existing water users in situations where industrial users withdraw significant quantities of ground water from the aquifers of the state and in situations where such ground water is transferred from the well site for use at another location.

Sec. 2. For purposes of sections 1 to 16 of this act the definitions found in section 46-657 shall be used.

Sec. 3. After the effective date of this act, any person who desires to withdraw five thousand or more acre-feet of ground water, per year, from aquifers located within the State of Nebraska for industrial purposes shall, prior to commencing construction of any wells, obtain from the director a permit to authorize the withdrawal and any transfer of such ground water. As used in this section, industrial purposes shall include manufacturing, commercial, and power generation uses of water.

Sec. 4. (1) Applications for permits required by section 3 of this act shall be on forms provided by the director and shall contain:

(a) A statement of the amount of ground water which the applicant proposes to use;

(b) A statement of the proposed use and whether the ground water will be transferred for use at a location other than the well site;

(c) A hydrologic evaluation of the impact of the proposed use on the surrounding area; and

(d) Such other relevant information as the director may deem necessary or desirable.

(2) Such applications shall be accompanied by an exhibit of maps showing the location, depth, and capacity of the proposed wells.

Sec. 5. Within thirty days of the receipt of an application made under section 3 of this act, the director shall accept the application as a completed application or return the application to the applicant as an incomplete application. If the application is deemed to be incomplete, the director shall inform the applicant as to the deficiencies in the application.

Sec. 6. After the director has accepted the application made under section 3 of this act as a completed application, the director shall set a time and place for a public hearing on the application. The hearing shall be held within or in reasonable proximity to the area in which the wells would be located. The hearing shall be scheduled within ninety days after the application is accepted by the director.

Sec. 7. At the hearing provided for in section 6 of this act, the applicant shall present all hydrological data and other evidence supporting its application. All interested parties shall be allowed to testify and present evidence relative to the application.

Sec. 8. If it appears, from evidence presented at the hearing or otherwise available, that one or more existing uses of ground or surface water will be adversely affected by the applicant's proposed withdrawal and transfer, if any, of ground water, the applicant may negotiate with each such user in order to obtain an agreement whereby the user waives any cause of action against the applicant for damages or injunctive or other relief for interference with such water use, in exchange for financial payment, substitute water, or other compensation. The applicant shall file copies of any such agreements with the director who shall consider the agreements in determining whether to grant or deny a permit.

Sec. 9. (1) The director shall issue a written order containing specific findings of fact either granting or denying a permit. The director shall grant a permit only if he or she finds that the applicant's withdrawal and any transfer of ground water are in the public interest. In determining whether the withdrawal and transfer, if any, are in the public interest, the director's considerations shall include, but not be limited to:

(a) Possible adverse effects on existing surface or ground water users;

(b) The effect of the withdrawl and any transfer of ground water on surface or ground water supplies needed to meet anticipated domestic and agricultural demands in the area of the proposed ground water withdrawal;

(c) The availability of alternative sources of surface or ground water reasonably accessible to the applicant in or near the region of the proposed withdrawal or use;

(d) The economic benefit of the applicant's proposed use;

(e) The social and economic benefits of existing uses of surface or ground water in the area of the applicant's proposed use and any transfer;

(f) Any waivers of liability from existing users filed with the director; and

(g) Other factors reasonably affecting the equity of granting the permit.

(2) The director may grant a permit for less water than requested by the applicant. The director may also impose reasonable conditions on the manner and timing of the ground water withdrawals and on the matter of any transfer of ground water which the director deems necessary to protect existing users of water. The director shall issue such written order within ninety days of the hearing.

Sec. 10. A permit granted pursuant to section 9 of this act shall be revoked, following a hearing conducted in the same manner as hearings conducted pursuant to section 6 of this act, if the director determines that:

(1) The permitholder has failed to exercise the right to withdraw ground water within three years of the date specified in the permit, or for a period of three consecutive years thereafter;

(2) The permitholder withdraws more ground water than the amount specified in the permit; or

(3) The permitholder violates any of the conditions specified in the permit.

Sec. 11. Any affected person aggrieved by any order issued or final decision made by the director pursuant to this act may appeal in the manner provided by Chapter 84, article 9. As used in this section, the term affected person shall mean the applicant for a permit which is the subject of the director's order or final decision, and any owner of an estate or interest in or concerning land or water whose interest is or may be impacted in a direct and significant manner by the director's order or final decision.

Sec. 12. Any owner of an estate or interest in or concerning land or water, except a person who has signed an agreement filed with the director pursuant to section 8 of this act, may bring an action for damages or injunctive or other relief for any injury done to his or her land or water rights by the holder of a permit issued pursuant to section 9 of this act. Nothing in sections 1 to 16 of this act shall be construed as limiting the right to resort to other means of review, redress, or relief provided by law.

Sec. 13. Any person who withdraws or transfers ground water in violation of the provisions of sections 1 to 16 of this act shall be guilty of a Class I misdemeanor. Each day shall constitute a separate offense in cases of continued violation.

Sec. 14. The director may adopt and promulgate all rules and regulations necessary or desirable to secure compliance with sections 1 to 16 of this act. The director shall by regulation specify the contents and scope of the hydrologic evaluation required by section 4 of this act, taking into account the current state of hydrologic knowledge and techniques, and the factors for permit approval listed in section 9 of this act.

Sec. 15. Nothing in sections 1 to 16 of this act shall be construed to exempt the holder of a permit issued pursuant to section 9 of this act from any regulations adopted by a natural resources district pursuant to sections 46-656 to 46-674 for a control area designated before the permit has been granted.

Sec. 16. Sections 1 to 16 of this act shall be known and may be cited as the Industrial Ground Water Regulatory Act.

Sec. 17. That section 33-105, Revised Statutes Supplement, 1980, be amended to read as follows:

33-105. There shall be paid to the Department of Water Resources in advance for the services of the Director of Water Resources by the party demanding or necessitating the service the following fees: For filing, recording, and examining each application for a storage reservoir, for the first five thousand acre-feet or fraction thereof, twenty-five dollars, and for each additional five thousand acre-feet or fraction thereof, ten dollars; for filing, recording, and examining each application for water for irrigation from a natural stream, for the first one thousand acres proposed for irrigation or fraction thereof, two hundred dollars, and for each additional thousand acres or fraction thereof, one hundred dollars; for filing, recording, and examining each application for water for irrigation from a storage reservoir, for the first one thousand acres proposed for irrigation or fraction thereof, fifty dollars, and for each additional thousand acres or fraction thereof, twenty-five dollars; for filing, recording, and examining each application for water for power purposes, for each theoretical fifty horsepower or fraction thereof, five dollars; for filing, recording, and examining each application for water for each stock water reservoir, fish pond, ice pond, or other useful purpose for which no fee has been fixed, ten dollars; for filing, recording, and examining each application for withdrawal of ground water for industrial purposes, for the first five thousand acre-feet or fraction thereof, two thousand five hundred dollars, and for each additional one thousand acre-feet or fraction thereof, one thousand dollars; for filing any petition, affidavit, or other paper, ten dollars; for recording any deed or document pertaining to land covered in whole or in part by a water appropriation or any instrument other than an application, ten dollars; for blueprint copy of any map or drawing or for other copy of drawings or photostatic copy of any record, a reasonable sum to be fixed by the department in an amount estimated to cover the actual cost of preparing such a reproduction; for the examination of plans for any new dam and reservoir or enlargement, one dollar for each foot in height of the dam, and actual expenses while visiting and examining the site; for certificate and seal, one dollar, except that for any document filed with the Director of Water Resources in his or her capacity as Secretary to the Nebraska Power Review Board there shall be no charge. The Director of Water Resources shall keep a record of all money thus received. At the end of each calendar month he or she shall pay the same to the State Treasurer for the use of the General Fund and take his or her receipt therefor and file the same with the records of his or her office.

Sec. 18. That original section 33-105, Revised Statutes Supplement, 1980, is repealed.".

(Signed) Maurice A. Kremer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 500. Title read. Considered.

SPEAKER MARVEL PRESIDING

Advanced to E & R for Review with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 425. Title read. Considered.

Standing Committee amendment found in the Journal on page 563 for the Twenty-Sixth Day was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 194. Title read. Considered.

Mr. Hoagland offered the following amendment:
Strike existing language of Section 51-202 found in lines 18-22, page 2, and the full sentence found on lines 25-26, page 2

The amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS

Miscellaneous Subjects

LEGISLATIVE BILL 431. Placed on General File as amended.
Standing Committee amendment to LB 431:

1. On page 2, strike the new matter in lines 17 through 20 and insert "allow the sampling of tax paid alcoholic liquors (except beer) upon the premises of the licensed distributor or a licensed retailer when approved by and in the manner prescribed by the commission. Such sampling shall be limited to such persons licensed as distributors and retailers and their employees and agents".

(Signed) Elroy Hefner, Chairperson

Revenue

LEGISLATIVE BILL 478. Placed on General File as amended.
Standing Committee amendment to LB 478:

1. Insert a new section as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”.

(Signed) Calvin F. Carsten, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 387. Placed on General File as amended.
Standing Committee amendments to LB 387:
Req. #2124

1. On page 2, line 21, strike “with regular interest” and insert “plus interest at five per cent per annum”.

2. On page 3, strike beginning with the first “the” in line 5 through “(2)” in line 7.

3. Insert the following new section:

“Section 1. That section 16-336, Revised Statutes Supplement, 1980, be amended to read as follows:

16-336. From and after October 19, 1963, every such police officer shall contribute to the city by payroll deduction an amount equal to six per cent of his or her salary until such police officer becomes eligible for regular retirement at fifty per cent of regular pay as defined in section 16-330, at which time such contributions shall cease; Provided, any police officer who retires early at forty per cent of regular pay as defined in section 16-330 and who shall have made contributions after becoming eligible therefor shall be reimbursed by the city for the amount of such excess contributions without interest. Any police officer whose employment shall terminate, whether by discharge or otherwise, prior to the time he or she shall become entitled to a pension, and who shall have made contributions from his or her salary, as provided in this section, shall, upon demand, be reimbursed by the city for the amount of such contributions ~~without interest~~ plus interest at five per cent per annum. In lieu of such lump-sum benefit, a police officer with ten or more years of service may elect to receive a deferred annuity to commence at age fifty-five. If this election is made, the accumulated contributions of the member may not be withdrawn from the system. The deferred annuity to commence at age fifty-five shall be computed as fifty per cent of the police officer's salary at the date of termination multiplied by the ratio of the years of his or her service at the date of termination to twenty-one, such ratio not to exceed one. In the event of the death of a terminated police officer during the deferred period, the accumulated contributions with interest at five per cent per annum to the date of death shall be paid as a lum-sum benefit.”.

4. On page 3, line 12, strike "section" and insert "sections 16-336 and"; and in line 13 strike "is" and insert "are".

5. Renumber original sections 1 and 2 as 2 and 3, respectively.

(Signed) Steve Fowler, Chairperson

GENERAL FILE

LEGISLATIVE BILL 174. Title read. Considered.

Mr. V. Johnson offered the following amendment:

Amend LB 174 by restoring the stricken language at lines 26 and 27, page 3 and lines 1 and 2, page 4.

MR. CLARK PRESIDING

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. V. Johnson requested a roll call vote.

Voting in the affirmative, 23:

Beutler
Beyer
Burrows
Clark
Fitzgerald
Fowler
Goll
Haberman
Higgins
Hoagland
Johnson, V.
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Newell
Pirsch
Remmers
Sieck
Vickers
Wiitala

Voting in the negative, 21:

Barrett
Carsten
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Hefner
Johnson, L.
Kahle
Kremer
Marvel
Peterson, H.
Peterson, R.
Rumery
Schmit
Von Minden
Wagner
Warner
Wesely

Present and not voting, 2:

Chambers
Goodrich

Excused and not voting, 3:

Kilgarin
Nichol
Stoney

The amendment lost with 23 ayes, 21 nays, 2 present and not voting, and 3 excused and not voting.

Mr. Vickers offered the following amendment:
Amend LB 174 by striking the provision of Sec. 4 that repeals Sec. 47-103.

The amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 26 ayes, 3 nays, 17 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS

Constitutional Revision and Recreation

LEGISLATIVE BILL 534. Indefinitely postponed.

LEGISLATIVE BILL 535. Placed on General File.

March 6, 1981

The Committee on Constitutional Revision and Recreation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Charles E. Wright, Game and Parks Commission

Vote For: Labedz, Carsten, H. Peterson, Sieck and Vickers. (5); Against: None; Excused: Higgins and Pirsch. (2)

(Signed) Bernice Labedz, Chairperson

Public Works

LEGISLATIVE BILL 181. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2135.)

(Signed) Maurice Kremer, Chairperson

SPEAKER MARVEL PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 89. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 89A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 50. Title read. Considered.

Standing Committee amendments found in the Journal on page 603 for the Twenty-Eighth Day were adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Haberman offered the following amendment:
Page 3, line 10 after "for" add "or drivers"

Mr. Haberman asked unanimous consent to withdraw his amendment. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 3 nays, 17 present and not voting, and 4 excused and not voting.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 5, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Anderson, Dorothy - Lincoln, Nebraska Republican Party
Ball, Betty Lou - Lincoln, Jr. League of Lincoln

Caswell, Steven R. - Omaha, Commercial Federal Savings & Loan Association
Karst, Don R. - St. Paul, MN, 3M Company
Kutak, Rock & Huie:
  Peterson, Patricia Schuett - Omaha, Nebraska Mortgage Finance Fund
  Wagner, John J. - Omaha, Nebraska Mortgage Finance Fund
Milbourn, Steven J. - Grand Island, Grand Island Beauty School
O'Hara, Paul - Lincoln, (Withdrawn 2/27/81), Associates Corporation of North America
Ryan, James E. - Lincoln, Singleton Ranch, Inc., Transystems Inc.
Schimek, DiAnna R. - Lincoln, Nebraska Democratic Party

UNANIMOUS CONSENT - Member Excused

Mr. Maresh asked unanimous consent to be excused Monday, March 9 and Tuesday, March 10, 1981. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 29.

Introduced by Rumery, 42nd District; Schmit, 23rd District; Kremer, 34th District; Kahle, 37th District; Maresh, 32nd District; Fowler, 27th District; Warner, 25th District; Wesely, 26th District; Lamb, 43rd District; Beutler, 28th District; Higgins, 9th District.

WHEREAS, there are millions of older Americans who have worked diligently through the years and have contributed greatly to the economic and social well-being of this country; and

WHEREAS, during their years of work older workers have gained invaluable experience and have come to appreciate a good job; and

WHEREAS, many experienced older workers in Nebraska are currently involuntarily unemployed or underemployed; and

WHEREAS, suitable and prompt employment of such skilled and mature workers will prevent further waste of this precious resource, and citizens of all ages in this state should be encouraged to utilize to the fullest the knowledge gained through experience by hiring, training, and retraining the older worker; and

WHEREAS, March 8-14, 1981 is "National Employ the Older Worker Week" to honor America's older workers and to encourage employers to hire and retain older workers; and

WHEREAS, Governor Thone has signed a proclamation urging all employers to give special thought to the employment of the older worker and has declared the week of March 8th as "Employ the Older Worker Week".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature encourages all Nebraskans to observe "Employ the Older Worker Week" from March 8 through March 14, 1981, and to give special consideration to employment of older workers.
2. That the Legislature urges the employment of the older worker not only during the special week of March 8th, but during every week of the year.

Laid over.

LEGISLATIVE RESOLUTION 30.

Introduced by Vickers, 38th District.

WHEREAS, the town of Curtis, Nebraska has presented an Easter pageant for over twenty years which generates community pride and cooperation; and

WHEREAS, the Curtis Easter Pageant brings together citizens from Curtis and surrounding communities who work together to present a program involving over one hundred fifty persons each year; and

WHEREAS, the pageant depicts the Easter story with music and "living pictures" and is a highlight of the year for citizens in Curtis and the surrounding communities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That Curtis, Nebraska be declared Nebraska's Easter City for its unique celebration and pageantry at Eastertime which is the result of a community's effort and cooperative spirit.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Kahle asked unanimous consent to print the following amendments to LB 190 in the Journal. No objections. So ordered.

Amend the Committee amendments to LB 190, found on pages 616 and 617 of the Journal, as follows:

1. Strike the amendments to section 18-623.

2. On page 4, line 14, strike "and also"; strike all of line 15; line 16, strike "Revised Statutes of Nebraska, 1943,".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 75A. By Labedz, 5th District.
This bill introduced on behalf of: LB 75.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 75, Eighty-seventh Legislature, First Session, 1981.

VISITORS

Visitors to the Chamber were 43 high school band students and sponsor from Wausa High School; Senator Richard Peterson's mother, Mrs. Opal Peterson, his aunt, Mildred Holt, son, Mike, daughter-in-law, Donna, and grandsons, Shawn and Eric; 47 fourth grade students, teachers, and sponsors from Hitchcock Elementary School, Millard; Mr. and Mrs. Verlan Hingst and Matt, Mr. and Mrs. Ken Pettit and Malinda, and Mr. and Mrs. Richard Oleson; 4 students and sponsor from Roseland High School and 1 foreign student from Mexico; and Mr. and Mrs. David Kolb from Omaha.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Beutler, the Legislature adjourned until 9:30 a.m., Monday, March 9, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 9, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 9, 1981

Pursuant to adjournment, the Legislature met at 9:34 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins, Messrs. Koch, Maresh, Stoney, and Schmit who were excused; and Mrs. Pirsch, Messrs. Beutler, Burrows, Cullan, Fowler, Goodrich, and Hoagland who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 459A. Placed on Select File.
LEGISLATIVE BILL 144A. Placed on Select File.

LEGISLATIVE BILL 72. Placed on Select File as amended.
E & R amendment to LB 72:
1. On page 6, line 11, insert an underscored comma after "1981".

LEGISLATIVE BILL 73. Placed on Select File as amended.
E & R amendment to LB 73:
1. In the title, line 2, strike "and 37-503" and insert ", 37-503, and 37-507.01" and in line 7 insert "to provide an exception; to provide an operative date;"

after the semicolon.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 113. Placed on General File as amended.
Standing Committee amendments to LB 113:

1. On page 2, line 14, after "of" insert "motor club"; in line 21, after "member" insert "group"; in line 22, strike "including, but not limited to," and insert "covering"; in line 23, strike "benefits" and insert "or any motor club service"; and in line 27, after "of" insert "group insurance benefits covering".

2. On page 3, line 1, strike "benefits", in line 2, after "service" insert "specifically enumerated in section 7 of this act"; and in line 26 strike "and".

3. On page 4, line 1, strike the underscored period and insert "; and"; after line 1 insert the following new subdivision:

"(20) Insurance service."; and in line 15 after "a" insert "performance".

4. Strike original section 12.

5. Insert the following new section:

"Sec. 14. A club or club representative shall not make any reference in any advertising or sales promotional effort to the financial statement of another club filed in accordance with sections 12 and 13 of this act.".

6. On page 9, line 16, after the underscored period insert "The director may require a club representative to take a written examination, for a fee, on the services customarily offered by motor clubs. A club representative licensed as an insurance agent for sickness, accident, and health insurance pursuant to Chapter 44 shall not be required to be examined.".

7. On page 10, line 16, strike ", or" and insert ". After a hearing and for good cause shown, the director".

8. Renumber original sections 13 and 14 as sections 12 and 13, respectively.

(Signed) John W. DeCamp, Chairperson

Public Works

The Committee on Public Works desires to report favorably upon the appointments or reappointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Ed Burke, Power Review Board
B. T. Friedrichsen, Power Review Board
Richard Wood, Power Review Board

(Signed) Maurice A. Kremer, Chairperson

MESSAGES FROM THE GOVERNOR

March 6, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 67, 186, 214, and 221 were received in my office on March 3, 1981.

These bills were signed by me on March 6, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

March 6, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bill 77 was received in my office on March 3, 1981.

This bill was signed by me on March 6, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

March 5, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Crime Victims Reparations Board, requiring legislative confirmation:

Verne Moore, Jr., 2227 So. 91st Street, Omaha 68124, term expiring January 1, 1987.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Verne Moore, Jr.
Crime Victims Reparations Board

March 5, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Rural Health Manpower Commission, requiring legislative confirmation:

Appointment:

Robert E. Quick, M.D., 1212 Ivy, Crete 68333, term expiring September 1, 1983, succeeding Gary Ensz, term expired;

Reappointments:

Dwaine Peetz, Drawer D, Neligh 68756
M. L. Chaloupka, Box 690, Broken Bow 68822
Ramona Freeman, Box 447, Chappell 68129
Tod Voss, 4623 Douglas Street, Omaha 68132
Judy Butler, 4169 California, Omaha 68131.

All of the above reappointments expire September 1, 1983.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: All appointees
Rural Health Manpower Commission

March 5, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Investment Council, requiring legislative confirmation:

Ralph Kelly, 2015 W. John, Grand Island 68801, term expiring September 13, 1983, succeeding Ann-Margaret Ulrich, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Ralph Kelly
Investment Council

ATTORNEY GENERAL'S OPINIONS

Opinion No. 39
March 4, 1981

Dear Senator V. Johnson:

In your letter of February 17, 1981, you requested our opinion ". . . on the constitutionality of LB 9 which prevents certain trusts from owning, buying or leasing agricultural lands in the state." We have reviewed the provisions of LB 9 in light of your request, and we will discuss below a number of threshold constitutional problems with this bill. Because these threshold problems relate to certain ambiguities we have found in the legislation, it is not possible for us to consider every constitutional issue which might be raised in a court of law. Rather, we have limited our discussion to these fundamental problems which, in our opinion, render LB 9 constitutionally suspect.

LB 9 is described by its introducer as an act relating to trusts, ". . . to prohibit the acquiring of additional agricultural land by certain trusts; . . . and to provide a penalty." At this point, we note that it is crucial, in understanding the operative provisions of the act, to define the term "trust" and to understand the activity prohibited by force of law.

Section 5 of the act defines "trust" as meaning:

> [A] fiduciary relationship with respect to property, subjecting the person by whom the property is held to equitable duties to deal with the property for the benefit of another person, which arises as a result of a manifestation of an intention to create it. Trust does not include a person acting in a fiduciary capacity, as defined in section 4 of this act. A trust includes a legal entity holding property as trustee, agent, escrow agent, attorney-in-fact, and in any similar capacity.

You will note we underlined that portion of the definition above which excluded from the definition of trust "a person acting in a fiduciary capacity, as defined in section 4 of this act." Section 4 of LB 9 defines "fiduciary capacity" as meaning "an undertaking to act as executor, administrator, personal representative, guardian, conservator, or receiver." Therefore, while the legislation attempts to describe what a trust is not intended to mean, we are left with a great deal of confusion as to what type of entity constitutes a "trust" for the purposes of this act.

Since the act does not contain a detailed statement of purpose and does not reference any particular example beyond "a legal entity holding property as trustee, . . . and in any similar capacity," we turn now to accepted legal definitions of the term "trust."

A trust has been defined as the right, enforceable solely in equity, to the beneficial enjoyment of property the legal title to which is vested in another. 89 C.J.S., Trusts §2 at 712 (1955). It has been otherwise defined as an obligation on a person arising out of a confidence reposed in him to apply property faithfully according to such confidence. Id. Furthermore, terms such as "trust" and "trust fund" have been defined as merely describing a body of rights, and not constituting any separate entity. In other words, the parties and real interests are the owners of the trust income or the remainder interest in the property.

Applying these accepted legal definitions to the problem at hand, we note that section 9 of the act provides, in pertinent part, as follows:

> No trust, other than a family trust, authorized trust, or testamentary trust, shall either directly or indirectly, acquire or otherwise obtain or lease any agricultural land in this state, . . .

Penalty provisions are then set out at section 10 of the act, providing:

> Any trust, other than a family trust, authorized trust, or testamentary trust, violating this act shall upon conviction, be punished by a fine of not more than fifty thousand dollars and shall divest itself of any land acquired in violation of this act within one year after conviction.

Two clear problems emerge in attempting to interpret these fundamental operating provisions of the act. First, the prohibitions are directed toward an entity known as a "trust" which is something other than a person, but also something undefined by the act. This ambiguity is further complicated by the apparent attempt, at section 10, to impose criminal liability for a violation of the act, apparent from the use of the terms "conviction" and "punished by a fine." Our Supreme Court has held that when the Legislature uses such terms associated with the criminal law, it will be presumed that the remedies contemplated were those generally used in courts exercising criminal jurisdiction. State v. Missouri Pacific Railway Co., 64 Neb. 679, 90 N.W. 877 (1902). Given the act's attempt to impose criminal sanctions for enforcement purposes, the offense must be defined with sufficient definiteness and ascertainable standards of guilt to inform those subject thereto as to what particular conduct will render them liable for punishment. State v. Huffman, 202 Neb. 434, 275 N.W.2d 838 (1979).

The persons having an interest in any pruchases made by, or enforcement actions brought against a trust are the trustee and beneficiaries. However, the prohibitions and enforcement provisions of the act do not even address these parties. Consequently, we have great difficulty in understanding how these provisions could be enforced, much less interpreted in a way to satisfy the constitutional standards of notice to the affected trust, trustees, and beneficiaries. Penal statutes which prohibit certain acts and provide punishment for their violation should not be susceptible to ambiguity so that a citizen may act upon one conception of the law, and the courts upon another. Id.

As we mentioned at the outset, it is difficult for us to discuss further constitutional problems given these interpretative difficulties we have had with the proposed legislation. We simply note at this point that, if the act is intended to restrict the actions of, or impose sanctions upon trustees, provisions must be made to reconcile such standards with the general provisions for trust administration set forth at Neb.Rev.Stat. §30-2812, et seq. (Reissue 1979). Furthermore, we would note that certain beneficiaries may have an interest in such trust property, and the state cannot demand a forfeiture thereof without establishing strict notice and procedural due process guidelines for such a taking. Asbury Hospital v. Cass County, 326 U.S. 207 (1945). Finally, we have not discussed constitutional issues raised by the Legislature treating one class of trust as separate in part from other types of trust, at least with regard to the purchase and lease of agricultural property. We believe it inappropriate to discuss these separate issues when we are not certain of the activity the legislation is designed to prevent, given the definitional problems discussed above.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Robert F. Bartle
Assistant Attorney General

RFB:sjr
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 40
March 5, 1981

Dear Senator V. Johnson:

This letter is in response to your inquiry of February 20, 1981, regarding whether, under existing law, the State Fire Marshal can adopt a fire code for high rise buildings as is contemplated by LB 266.

Neb.Rev.Stat. §81-502 (Reissue 1976) provides in pertinent part:

> It shall be the duty of the State Fire Marshal, under authority of the Governor . . . (2) to promote safety and reduce loss by fire; (3) after a careful study and investigation of relevant data

> bearing thereon, to promulgate, alter and enforce rules and regulations covering: (a) The prevention of fires; . . . (c) electric wiring and heating, protection equipment devices, materials, furnishings, and other safeguards within the structure necessary to promote safety and reduce loss by fire, and the means and adequacy of exits, in case of fire, in assembly, educational, institutional, residential, mercantile, office, storage, and industrial-type occupancies . . .and all other buildings, structures and enclosures in which numbers of persons congregate from time to time for any purpose whether privately or publicly owned; . . .

It is our opinion that the State Fire Marshal currently has the authority under the aforementioned statute to adopt rules and regulations establishing a high-rise building code with the restriction that the regulations may not impose an ". . . unduly severe or costly burden without substantially contributing to safety of persons or property. . ." Neb.Rev.Stat. §81-502.

Although the aforementioned statute does not set forth a height distinction for covered structures, so long as any rules or regulations which impose more stringent requirements on higher structures of the same class are reasonably related to the additional hazards accompanying the higher building, an example being the difficulty in evacuation, the adoption of such rules or regulations would be within the Fire Marshal's authority.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Mark D. Starr
Assistant Attorney General

MDS:kkh
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 41
March 6, 1981

Re: LB 508

Dear Senator DeCamp:

We are responding to your letter dated March 2, 1981, in which you request our opinion regarding the constitutionality of section 14 of that bill as well as the effect of that section upon existing reclamation law. You specifically ask several questions which we will answer below.

Section 14 of LB 508 reads as follows:

> A qualified elector of the district for purposes of the elections held pursuant to section 46-530 for determining board members and section 46-541 for continuance of the district, shall include those persons or public corporations on whose land works are or are projected to be built. Such person or public corporation shall have one vote per acre or less of land on which the works are or shall be located.

You first ask whether this section restricts voters in reclamation districts to only landowners on whose land project facilities are located. The term "qualified voter" is ambiguous as written. As we read this definition, qualified voter could be interpreted to include multiple owners of land as well as lessees, mortgagors and anyone with an interest in the land. One piece of land could, thus, yield innumerable qualified electors. As it is written, it could also include the public corporation as a separate voter not only for its land but land which is within its jurisdiction. This is not clear.

The term does limit qualified voters to those who have an interest in land upon which the works will be or are located. "Works" are defined in Neb.Rev.Stat. §46-507 (Reissue 1978) as including all the reservoirs, canals, pipelines, tunnels, transmission lines, drainage canals and facilities and improvements necessary or convenient for the supplying of water and power. The definition would exclude others whose land is within the district yet is not crossed by works of the district. Therefore, the definition would clearly exclude persons who have an ihterest in land in the district yet whose land is not crossed by these works.

The reading of this section with Neb.Rev.Stat. §46-530 (Resssue 1978) would include as a qualified voter, any qualified voter of any municipality whether or not the works crossed the property of that voter if that municipality is located within the territory composing the district.

You next ask whether it excludes other project participants and communities from being able to be in reclamation districts. We do not see any automatic exclusion of other participants or communities from being able to become a part of the reclamation district.

You next ask whether it excludes other participants or communities from being able to vote on formation of districts and on directors. From our reading of this definition of qualified elector, it does appear to exclude others than those whose lands are crossed by the works and land holders in municipalities from voting on district affairs.

You ask whether every member of a public corporation would have one vote per acre or less of land held by a corporation in a district. We do conclude that every qualified elector of a public corporation or municipality would have a separate vote for each acre or less held by him or her. Nowhere is there a limit of those voting to one for each acre. The definition seems to include anyone having an interest in that particular acre. It would also appear that the public corporation may vote as well upon land within its jurisdiction although this is not clear.

We conclude that the definition is so vague and ambiguous as to not be susceptible of clear interpretation and therefore would probably not sustain a constitutional challenge.

Further we conclude that a challenge may also be successful on the ground that there is no rational basis for the different treatment of persons similarly situated. Persons living in a municipality would have the right to vote even though the district works was not located on their land, whereas those outside a municipality would have no such vote.

You ask the effects of this legislation upon the formation of reclamation districts in the future. This is purely supposition. We can envision that property owners who would be denied a vote in the operation of the district and imposition of taxes upon them may not wish to be included in such a district. We hope we have answered your questions.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) G. Roderic Anderson
Assistant Attorney General

GRA:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 42
March 6, 1981

Dear Senator Wesely:

In your letter of February 23, 1981, you ask our opinion as to whether the authority that would be granted to cities and villages by LB 257, section 1, to establish minimum energy efficiency standards and to apply them to existing buildings already belongs to the cities and villages. That portion of LB 257 which amends Neb.Rev.Stat. §18-1720 (Reissue 1977) reads as follows:

> (2) For the purposes of this section, the term nuisance shall include any building which does not meet minimum standards

> for energy efficiency established by such city or village. All cities and villages may by ordinance establish minimum standards for energy efficiency designed to prevent the unnecessary waste of nonrenewable energy resources in existing buildings.

You have posed a very difficult question, and one to which there is perhaps no concrete answer. First, note that Neb.Rev.Stat. §81-1618 (1980 Supp.) already grants to cities and villages the power to adopt and enforce lighting and thermal efficiency standards within the parameters established by the Nebraska Building Energy Conservation Standard. This authority, however, applies only to new construction or substantial renovations and not to existing buildings.

The proposed amendment would allow cities and villages to enforce minimum energy efficiency standards by treating energy inefficient buildings as nuisances. Under Neb.Rev.Stat. §18-1720 (Reissue 1977), cities and villages already have the power to define and regulate nuisances. Of course, an energy inefficient building appears to be a very exaggerated concept of a nuisance as that term is commonly used and defined. A public nuisance is generally defined as something that "injuriously affects the safety, health, or morals of the public, or works some substantial annoyance, inconvenience, or injury to the public." 58 Am.Jur.2d, Nuisances, §7. A review of Nebraska's statutes and case law dealing with public nuisances generally shows that this label has been applied to those situations or activities which have posed a direct threat to the public health, safety, morality and welfare. It is perhaps arguable in this day and age of energy shortages and great concern over the future of nonrenewable energy resources that an energy inefficient building could somehow be construed as a public nuisance. It is at least not in the general public interest. Nevertheless, the effect of an energy inefficient building on the public as a whole is at best indirect and of only possible long term consequences. With nothing more than the existing power under §18-1720 a very substantial showing of a deleterious effect on the public would have to be made before the categorization of an energy inefficient building as a public nuisance would likely be upheld. Of course, LB 257 would appear to solve part of that problem by defining such a building as a public nuisance.

It should be noted that Neb.Rev.Stat. §18-132 (Reissue 1977) gives the power to cities and villages to adopt local building, fire, electrical, plumbing and other codes. Conceivably, such codes could include an energy efficiency standard. Additionally, for cities of the metropolitan class, Neb.Rev.Stat. §14-102(25) (Reissue 1977) grants the authority to make and enforce police regulations for the general welfare, health, and safety of the city and the inhabitants thereof. The other classes of cities are also given the general authority to enact ordinances to promote the peace, good government, and general welfare of the city and for the promotion of the pulbic health, safety and welfare of the inhabitants, Neb.Rev.Stat. §§15-263, 16-246, 17-505 (Reissue 1977). These statutes have generally been construed to allow cities and villages to enact ordinances that are necessary or fairly implied in order to carry out powers which have been expressly granted by statute.

It is thus conceivable that grant of police power under these sections could be construed to allow cities and villages to adopt and enforce energy efficiency standards which would affect existing buildings. Two problems arise in this area, however. The first problem is that the Nebraska Supreme Court has generally required a strict construction of the powers granted to cities and villages.

> The rule has long been established in this state that a municipal corporation may exercise only such powers as are expressly granted, those necessarily or fairly implied in or incidental to powers expressly granted, and those essential to the declared objects and purposes of a municipality. Statutes granting powers to municipalities are to be strictly construed, and where doubt exists, such doubt must be resolved against the grant.

Briar West, Inc. v. City of Lincoln, 206 Neb. 172, 175, 176, ___N.W.2d___ (1980). There is, of course, no specific grant of power to the cities and villages to implement such energy standards as they would apply to existing buildings. It is arguable whether or not such a power could be necessarily implied from the existing powers. Nevertheless, a strict construction of existing statutes would most likely not permit the adoption of such an energy efficiency standard as it would apply to existing buildings.

The second problem with such an approach has been enunciated by the Nebraska Supreme Court as follows:

> The right to full and free use and enjoyment of one's property in a manner and for such purposes as the owner may choose, so long as it is not for the maintenance of a nuisance or injurious to others, is a privilage protected by law, and one of which a property owner may not be deprived without due process of law. The owner's right to use his property is subject, however, to reasonable regulation, restriction, and control by the state in the legitimate exercise of its police powers. The test of legitimacy is the existence of a real and substantial relationship between the exercise of those powers in a particular manner, and the peace, public health, public morality, public safety, or the general welfare of the city.

> A police regulation cannot arbitrarily invade private property or personal rights.
>
> There must be a reasonable relationship between the object the ordinance seeks to accomplish and the means by which it operates.

Eckstein v. City of Lincoln, 202 Neb. 741 at 744, 277 N.W.2d 91 (1979). Stated differently, "A regulatory statute adopted by virtue of the police power which has no reasonable relation to the public health, safety, and welfare is invalid." United States Brewers' Assn., Inc. v. State, 192 Neb. 328, 333, 220 N.W.2d 544 (1974).

The requirement that existing buildings comply with a minimum energy efficiency standard is in reality such an interference in the use of one's property. In that regard it would be necessary to make a substantial showing that a building which is not energy efficient, is adverse to the public health, safety, or welfare. It is certainly arguable, at this point in time, whether or not the conservation of energy has risen to such a critical level.

Thus while it is possible to argue that cities and villages have the power to enact and enforce minimum energy efficiency standards for existing buildings under the presently enacted laws of this state, the safer approach, using the strict construction standard required by the Nebraska Supreme Court, would be that the present laws do not grant such powers to the cities and villages.

You have also asked, that in the event such powers are not presently available to the cities and villages, whether §18-1720 is the correct section to amend in order to grant that authority. As indicated, §18-1720 deals with nuisances and we have already discussed whether or not an energy inefficient building could reasonably be construed as a nuisance under the traditional definitions of a public nuisance. While it probably is within the power of the Legislature to define such a building as a public nuisance, it would still seem to be necessary to be able to make a showing that such an interference with an individual's use of his property bears a reasonable relationship to the maintenance of the public welfare.

Several other statutes have been referred to in this opinion which could conceivably be amended to grant authority to cities and villages to adopt and enforce a minimum energy efficiency standard that would apply to existing buildings. Possibly there are others, but the necessity for a prompt response to your question prohibits a detailed examination of all of the current laws at this time. Whether the amendment of any of these statutes would be more appropriate than another depends, of course, upon the manner in which the Legislature wishes to grant this particular power to the cities and villages. In this regard it is perhaps inappropriate for the Attorney General to say which existing statute would be the best to amend in order to achieve the intended legislative purpose. Such a determination is much more appropriately a function of the Legislature.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

Opinion No. 43
March 6, 1981

Dear Senator Hefner:

You have asked whether sections 1 and 2 of LB 206 are constitutional when expenses are to be paid to members of the Legislature while the Legislature is in session, and whether sections 1 and 2 of LB 206 are constitutional in authorizing the payment of expenses while the Legislature is not in session. You further ask for the distinction if they are constitutional in one respect and unconstitutional in the other respect. We refer you to our opinion to Senator Chambers of this session, Opinion No. 17, February 6, 1981, a copy of which is attached hereto.

In that opinion, you will note in our last paragraph we stated, "We therefore reaffirm our previous opinions which have stated that it is unconstitutional for members of the Legislature to receive payment for their expenses incurred during legislative sessions except as those payments are in accordance with Article III, Section 7, of the Constitution." Further, in our opinion to Senator Chambers, we referred to certain other prior opinions of this office. Those are opinion numbers 60 and 63 Report of the Attorney General in 1959-1960, opinion numbers 60, 164 and 178, Report of the Attorney General 1977-1978. Copies of each of those opinions have been attached to your letter. Those opinions set forth the basis for the distinction for the payment of expenses of Legislators when the Legislature is not in session vis-a-vis when the Legislature is in session. We trust that these references will answer your question that LB 206 is indeed unconstitutional insofar as it authorizes the payment of legislative expenses other than those authorized by the Constitution while the Legislature is in session. We further believe that these opinions set forth the basis for the distinction which has been followed for many years with respect to expenses which are paid to Legislators in performing their legislative duties while the Legislature is not in session.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:jmf
enc.
cc: Patrick J. O'Donnell
Clerk of the Legislature

ANNOUNCEMENT

The President announced Senator Vickers' birthday was March 7, 1981.

GENERAL FILE

LEGISLATIVE BILL 475. Title read. Considered.

Standing Committee amendment found in the Journal on page 603 for the Twenty-Eighth Day was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 155. Title read. Considered.

Standing Committee amendments, Req. #2032, found in the Journal on page 614 for the Twenty-Eighth Day were considered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 8 ayes, 13 nays, and 28 not voting.

The Standing Committee amendments lost with 10 ayes, 23 nays, 8 present and not voting, and 8 excused and not voting.

MR. CLARK PRESIDING

Mr. Warner moved to indefinitely postpone LB 155.

The motion prevailed with 24 ayes, 1 nay, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 171. Title read. Considered.

Standing Committee amendments, Req. #2083, found in the Journal on page 612 for the Twenty-Eighth Day were considered.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. L. Johnson offered the following amendment to the Standing Committee amendments:

1. In the standing committee amendments, on page 2 line 12, after "of" insert "the superintendent and".

The amendment was adopted with 22 ayes, 0 nays, 18 present and not voting, and 9 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 169. Mr. Hefner asked unanimous consent to have LB 169 laid over. No objections. So ordered.

LEGISLATIVE BILL 22. Title read. Considered.

Standing Committee amendments found in the Journal on page 616 for the Twenty-Eighth Day were adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

SPEAKER MARVEL PRESIDING

MR. CLARK PRESIDING

Mr. Landis moved for a Call of the House. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Advanced to E & R for Review with 25 ayes, 6 nays, 10 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

ANNOUNCEMENT

Mr. Hefner asked unanimous consent to print the following in the Journal. No objections. So ordered.

Your Committee on Miscellaneous Subjects has adopted the following Reapportionment/Redistricting Guidelines. A Public Hearing will be held on these Guidelines on Friday, March 13, 1981 at 2:30 p.m. in Room 2230.

Article III, Section 5 of the Constitution of the State of Nebraska establishes the following criteria:

1. Single-member districts
2. Districts must be as nearly equal in population as may be.
3. Districts must be composed of contiguous and compact territory.
4. The basis of apportionment in population excluding aliens as shown by the preceding census.
5. County lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature.

The following criteria were adopted by the Miscellaneous Subjects Committee. Senator Cullan moved to adopt the Guidelines, seconded by Senator Beyer. Voting yes: Senators Barrett, Beyer, Cullan, Fenger, Hefner, and Von Minden. Voting no: Senator Newell. Absent and not voting: Senator Fitzgerald.

1. 49 legislative districts - Section 5-104.07.
2. Districts should be easily identifiable and easily understandable to the voter. Counties and cities, insofar as possible, should remain intact in order to maintain as much as possible the integrity of county and city boundaries and smaller census divisions within county and city boundaries.
3. To create districts, if possible, that reflect some unity of character or social and economic interest.
4. District lines may not be drawn with the intention of diluting the strength of any racial or other protected minority group.
5. Districts will not be drawn to protect or defeat an incumbent legislator.
6. Legislative districts should include populations which are nearly as equal as possible with total deviation not to exceed

10%. Any deviation must be justified and in no case may a district exceed 5% deviation from the average. These Guidelines will also apply to political subdivisions.

7. Congressional districts should include population with a total deviation not to exceed 1%. Any deviation must be justified and in no case may a district exceed 0.5% deviation from the average.

UNANIMOUS CONSENT - Print in Journal

Mr. Rumery asked unanimous consent to print the following amendment to LB 47 in the Journal. No objections. So ordered.

1. Strike committee amendments 2 and 3.
2. On page 3, line 4, after "lot" insert ", state the hours for restricted parking, and state who to contact for information regarding a towed vehicle".

ANNOUNCEMENTS

Mr. Cullan designates LB 56 as his priority bill.

The Agriculture and Environment Committee designates LB 245 as their priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendments to LB 298 in the Journal. No objections. So ordered.

Strike original Section 3 as amended. Insert a new Section 3.

Sec. 3. That section 19-902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

(1) For any or all of the purposes designated in section 19-901, the local legislative body may divide the municipality into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of sections 19-901 to 19-914, and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. Such districts shall include both land zoned for mobile home subdivisions and individually-owned lots in such mobile home subdivisions. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

(2) Subdivision regulations and building, plumbing, electrical, housing, fire, or health codes, or similar regulations and the adoption thereof shall not be subject to the provisions of

sections 19-901 to 19-915.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 519. Indefinitely postponed.

(Signed) Elroy Hefner, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 268. Indefinitely postponed.

(Signed) Samuel K. Cullan, Chairperson

SPEAKER MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 190. Title read. Considered.

Mr. Haberman asked unanimous consent to pass over LB 190.

Mr. DeCamp objected.

Mr. Haberman moved to pass over LB 190.

The motion lost with 8 ayes, 14 nays, 19 present and not voting, and 8 excused and not voting.

Standing Committee amendments, Req. #2088, found in the Journal on page 616 for the Twenty-Eighth Day were adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Kahle renewed his pending amendments found in the Journal on page 787.

The amendment lost with 9 ayes, 23 nays, 10 present and not voting, and 7 excused and not voting.

Mr. Haberman offered the following amendment:

(1)

1. On page 2, line 21, strike "six" and insert "ten".

The Haberman amendment (1) lost with 9 ayes, 17 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Haberman offered the following amendment:

(2)

1. On page 2, line 21, strike "six" and insert "eight".

Messrs. Goll and Dworak asked unanimous consent to be excused until they return. No objections. So ordered.

The Haberman amendment (2) lost with 8 ayes, 15 nays, 17 present and not voting, and 9 excused and not voting.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 55, 114, 128, 217, 246, 279, 388, 434, and 462.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 407. Placed on General File.

LEGISLATIVE BILL 297. Indefinitely postponed.

(Signed) Martin Kahle, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 271. Placed on General File as amended.
Standing Committee amendments to LB 271:

1. On page 3, after line 2 insert: "Preauthorized loan shall not mean a transaction, resulting in either a credit or a debit to the borrower's account, which is initiated by the use or application of a plastic, metal, or other type of credit or transaction card.".

(Signed) John W. DeCamp, Chairperson

Miscellaneous Subjects

LEGISLATIVE BILL 258. Placed on General File as amended.
Standing Committee amendments to LB 258:

1. Insert two new sections as follows:

"Sec. 2. Any person, as defined in subdivision (12) of section 53-103 holding a license issued under subdivision (5) B. of section 53-124 may surrender not to exceed two of such licenses and obtain in lieu of each such license a license issued under subdivision (5) K. of section 53-124.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber original section 2 as section 3.

(Signed) Elroy Hefner, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 327. Placed on General File as amended. Standing Committee amendments to LB 327:

1. On page 2, strike beginning with "This" in line 17 through "preferences" in line 20 and insert "The provisions of this section shall not apply to any loan value in excess of five thousand dollars of an unmatured life insurance contract owned by a debtor in bankruptcy under Title 11 of the United States Code entitled Bankruptcy".

(Signed) John W. DeCamp, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendments to LB 198 in the Journal. No objections. So ordered.

(Amendments to Standing Committee Amendments, Req. No. 2097)

1. On page 1, strike lines 2 and 3 and insert:

"1. Insert the following new section:"; in line 4 strike "(2)" and insert "Section 1. (1)"; strike lines 15 through 23 and insert the following new subsection:

"(2) Retail customers in a voting or election precinct not permitted to vote due to not living within the chartered territory shall be certified by the district as entitled to vote. The district shall certify to the Secretary of State the names of all such retail customers in the affected precincts along with the names of the voting or election precincts and such retail customers shall be allowed to vote."; in line 24 strike "(4)" and insert "(3)"; and in line 25 strike "(2)" and insert "(1)".

2. On page 2, line 1, strike "(3)" and insert "(2)"; in line 8 strike the semicolon and insert a period and before "in" insert:

"2. On page 2,"; strike lines 10 and 11 and insert "strike '70-604.03,' and insert '70-610 and 70-612,'; and in line 26 strike 'is' and insert ', and also section

70-604.03, Reissue Revised Statutes of Nebraska, 1943, are'"; and in line 12 strike "2." and insert "3.".

Mr. DeCamp asked unanimous consent to print the following amendments to LB 284 in the Journal. No objections. So ordered.

Req. #2154

1. Strike original sections 6 through 13.

2. Insert the following new sections:

"Sec. 6. Sections 6 to 10 of this act shall be known and may be cited as the Local Revenue Sharing and Property Tax Relief Act.

Sec. 7. The intent of the Local Revenue Sharing and Property Tax Relief Act is to provide a long-term revenue sharing formula for schools, counties, and cities which will reduce their dependence on property taxes, eliminate numerous replacement revenue provisions, and return the total taxing authority on sales to the state.

Sec. 8. There is hereby created a fund to be known as the Local Revenue Sharing and Property Tax Relief Fund. There shall be placed in and appropriated from such fund for fiscal year 1983-84 three hundred dollars from funds collected by a general sales tax and income tax for aid to counties, incorporated municipalities, and school districts and each fiscal year thereafter there shall be placed in and appropriated from such fund an amount not to exceed an increase of more than seven per cent of the amount placed in such fund the previous year.

Sec. 9. Of the money appropriated by the Legislature from the Local Revenue Sharing and Property Tax Relief Fund pursuant to section 8 of this act:

(1) Fifty-five dollars shall be distributed to the various county treasurers of the state on the basis of the ratio of the valuation of real estate of the particular county to the valuation of real estate of the entire state as certified by the respective county assessors to the Tax Commissioner in the abstract of the assessment rolls and as equalized by the State Board of Equalization and Assessment, which amounts shall be placed in the general fund of the county;

(2) Ninety dollars shall be distributed to the various incorporated municipalities of the state on the basis of the ratio of the population of the particular incorporated municipality to the population of all cities and villages as determined by the latest federal or any other comparable census, which amount shall be placed in the general fund of the incorporated municipality, except that the total population of cities of the metropolitan class shall be multiplied by one and six-tenths in

determining the ratio for distribution; and

(3) One hundred fifty-five dollars shall be distributed to the school districts of the state with each school district receiving an amount computed pursuant to Chapter 79, article 13.

Sec. 10. The Tax Commissioner shall determine the amount to be distributed to the various counties and incorporated municipalities and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed in twelve as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning July, 1983, and each July thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification and vouchers, draw warrants against funds appropriated.

Sec. 11. That section 68-1022, Revised Statutes Supplement, 1980, be amended to read as follows:

68-1022. Except for care in a state institution and care on behalf of persons who have a right of residence on any reservation under the jurisdiction of the government of the United States, the cost of medical assistance paid by the county in which the recipient may have a legal settlement shall be eighteen per cent commencing July 1, 1979. Commencing July 1, ~~1980~~ 1983, and thereafter, the county shall pay ~~sixteen~~ fifteen per cent of the cost of such medical assistance. If a recipient has no county legal settlement, medical assistance shall be paid from state funds and such funds as may be allocated by the government of the United States.

Sec. 12. That section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,132. (1) There is hereby created a fund to be designated Tax Refund Fund which shall be set apart and maintained by the State Treasurer for prompt payments of all tax refunds under the provisions of sections 66-461, 77-2106, and 77-2701 to 77-27,135. Such fund shall be in such amount as the State Treasurer, with the advice of the Tax Commissioner, shall determine is necessary to meet current refunding requirements under the provisions of sections 66-461, 77-2106, and 77-2701 to 77-27,135. Any money in the Tax Refund Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under the provisions of sections 77-2701 to 77-27,135. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the aforementioned bank and of the amounts so deposited the State Treasurer shall (a) first credit to the Tax Refund Fund such amounts as are necessary to maintain such Tax Refund Fund at the level required by subsection (1) of this section, ~~and~~ (b) second ~~then~~ credit to the Highway Allocation Fund all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers, and (c) third credit three hundred dollars to the Local Revenue Sharing and Property Tax Relief Fund for fiscal year 1983-84 and each fiscal year thereafter credit an amount equivalent to that placed in such fund by the Legislature pursuant to section 8 of this act. The balance of the amounts so paid shall be credited to the General Fund.

Sec. 13. Funds received by political subdivisions under the provisions of sections 6 to 10 of this act shall not be considered as funds for new programs or nonrecurring grants, loans, or contracts as defined in section 77-3425.

Sec. 14. Notwithstanding other provisions of statute, commencing July 1, 1983, counties receiving funds under sections 6 to 10 of this act shall make no further distribution of such funds to other political subdivisions within their boundaries.

Sec. 15. That section 77-3523, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3523. The county treasurer shall, on or before November 30 of each year, certify to the Tax Commissioner the total tax revenue that will be lost to all taxing agencies within his or her county from taxes levied and assessed in that year because of exemptions allowed under the provisions of sections 77-3501 to 77-3523. The county treasurer may amend the certification to show any change or correction in the total tax that will be lost until May 30 of the next succeeding year. ~~The Tax Commissioner shall, on or before January 1 next following such certification or within thirty days of any amendment to the certification, notify the Director of Administrative Services of the amount so certified. Each county certification shall be distributed in six as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning January, 1977, and each January thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of~~

~~Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated. Out of the amount so received the county treasurer shall distribute to each of the taxing agencies within his or her county the amount so lost by such agency, except (1) that one per cent of such amount shall be deposited in the county general fund and (2) that the full amount due a Class V school district shall be paid to the district and the county shall be compensated pursuant to section 14-554. Each taxing agency shall, in preparing its annual budget, take into account the amount to be received under this section.~~

Sec. 16. (1) The maximum amount of all ad valorem taxes on real property shall not exceed one and one half per cent of the actual value of such property.

(2) The limitation provided for in subsection (1) of this section shall not apply to ad valorem taxes or special assessments to pay the interest and redemption charges on any indebtedness approved by the voters prior to the operative date of this section.

(3) The county treasurer shall include on the statement of the taxes due and owing on a unit of real property the maximum dollar amount of taxes which may be assessed against such unit of property in accordance with subsections (1) and (2) of this section.

(4) In the event that the cumulative total of all ad valorem taxes levied against a unit of property exceeds the maximum amount authorized by subsections (1) and (2) of this section, each political subdivision shall receive a proportionate amount of the maximum ad valorem tax allowed on such property with such portion to be determined on the basis of the ratio of the ad valorem tax levied on that unit of property by the political subdivision to the total ad valorem tax levied on that unit of property by the various political subdivisions.

(5) Any political subdivision with taxing authority, by a two-thirds vote of the qualified electors of such subdivision, may impose special taxes on such subdivision, except ad valorem taxes on real property within such political subdivision.

Sec. 17. The Revenue Committee of the Legislature shall fully examine the revenue sharing concept provided in sections 6 to 10 of this act and determine the most effective means of providing property tax relief by shifting the property tax burden to sales and income taxes. Such examination shall analyze and study revenue expenditure data and information and provide proposed legislation which prescribes the manner and dollar amounts necessary to implement such local revenue sharing.

Sec. 18. If any portion of this act is finally adjudicated invalid, the entire act is void. The provisions of this act are intended to be nonseverable. If this act shall be declared invalid, all sections of law repealed by this act are revived.

Sec. 19. Sections 1 to 5, 18, 19, and 22 of this act shall be operative on their effective date. The remaining sections of this act shall become operative on July 1, 1983.

Sec. 20. That original section 77-27,132, Reissue Revised Statutes of Nebraska 1943, sections 68-1022 and 77-3523, Revised Statutes Supplement, 1980, and also sections 77-1204, 77-1205, 77-27,139, 77-27,140, and 77-27,143 to 77-27,148, Reissue Revised Statutes of Nebraska, 1943, and sections 77-27,136, 77-27,137, 77-27,137.01, 77-27,142 to 77-27,142.05, Revised Statutes Supplement, 1980, are repealed.

Sec. 21. That sections 1 to 5 of this act are repealed.

Sec. 22. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

VISITORS

Visitors to the Chamber were 90 fourth grade students and teachers from Miller Park School, Omaha; 16 twelfth grade students and teacher from Coleridge High School; 50 students and teachers from May Morley School, Lincoln; Nancy Wicks from North Platte; and ten members of the Parliament of Ghana: Hon. Nenyi Nkensen Arkaah, Hon. Regina Eunice Ametor-Williams, Hon. F. K. Mensah, Hon. Togbe Zokah III, Hon. Mathias Kennedy Atubiga, Hon. J. A. Kufour, Hon. Abdulai Al-Hassan, Hon. Hugh C. Tamakloe, Hon. Alhaji Abubakar Al-Hassan, and Hon. Benjamin Amos Yemoah.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. H. Peterson, the Legislature adjourned until 9:00 a.m., Tuesday, March 10, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 10, 1981

LEGISLATIVE JOURNAL

FORTIETH DAY - MARCH 10, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 10, 1981

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Harold Hamilton, Pastor of First Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins and Mr. Koch who were excused; and Miss Kilgarin, Messrs. Beutler, Burrows, Chambers, Hoagland, Schmit, Stoney, and Vickers who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 74. Placed on Select File as amended.
E & R amendment to LB 74:

1. In the title strike beginning with "section" in line 2 through "and" in line 3; and strike beginning with the second "to" in line 6 through the semicolon in line 7.

LEGISLATIVE BILL 500. Placed on Select File as amended.
E & R amendments to LB 500:

1. On page 2, line 9, strike "loaning" and insert "lending".
2. On page 5, line 13, strike the comma.
3. On page 6, insert a comma after "department" in line 6 and "association" in line 7.

4. On page 7, line 9, insert a comma after "application".
5. On page 12, insert a comma at the end of line 12.
6. On page 14, line 1, strike the comma.

LEGISLATIVE BILL 425. Placed on Select File as amended.
E & R amendment to LB 425:

1. In the title, strike lines 2 to 5 and insert:
"FOR AN ACT relating to insurance; to provide for countersigning reciprocity.".

LEGISLATIVE BILL 194. Placed on Select File as amended.
E & R amendments to LB 194:

1. On page 3, lines 9 and 10, strike "at its regular meeting" and show as stricken.
2. In the title, line 5, insert "to delete obsolete matter;" after the semicolon.

LEGISLATIVE BILL 174. Placed on Select File as amended.
E & R amendment to LB 174:

1. In the title, strike lines 6 and 7 and insert "1980; to eliminate a duty"; and strike beginning with the comma in line 12 through the semicolon in line 14.

LEGISLATIVE BILL 89. Placed on Select File.
LEGISLATIVE BILL 89A. Placed on Select File.

LEGISLATIVE BILL 50. Placed on Select File as amended.
E & R amendments to LB 50:

1. On page 2, line 3, strike "less" and insert "not more".
2. On page 3, line 9, strike the first comma.
3. On page 4, line 5, strike the first comma.
4. In the title, strike lines 2 through 7 and insert
"FOR AN ACT relating to transportation; to provide for ridesharing arrangements as prescribed; and to provide severability.".

(Signed) Karen Kilgarin, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 9, 1981, at 2:10 p.m., were the following bills: 9, 34, 124, 178, and 345.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 76, 83, 136, 144, 325, 354, and 457.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Change to LB 136

The following change, required to be reported for publication in the Journal, has been made:

The title has been changed to reflect committee amendments.

Enrollment and Review Changes to LB 457

The following changes, required to be reported for publication in the Journal, have been made:

In the title, line 3, insert "and section 50-422, Revised Statutes Supplement, 1980," after the second comma; in line 5 "to provide additional duties;" has been inserted after the semicolon; and in line 6 "section" has been changed to "sections".

(Signed) Emory P. Burnett
E & R Attorney

MESSAGE FROM THE GOVERNOR

March 9, 1981

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 206 and LB 206A without my signature and with my objections.

As was the case with LB 690 from last year, LB 206 provides that each member of the Legislature shall be allowed necessary expenses incurred while performing in the official capacity as a member of the Legislature.

The Attorney General has again advised, as he did last year, that this bill violates Article III, Section 7, of the Constitution of the State of Nebraska.

I therefore veto LB 206 and LB 206A.

Respectfully,
(Signed) CHARLES THONE
Governor

CT:lbv

ATTORNEY GENERAL'S OPINION

Opinion No. 44
March 5, 1981

Dear Senator Vickers:

In your letter of January 29, 1981, you requested our opinion of the constitutionality of LB 32, a bill to prohibit the possession or operation of any radar detection or transmission device while operating a motor vehicle within the state. You have also asked whether the bill is in conflict with or in violation of the Federal Communications Act of 1934 or Title 47 of the United States Code.

The bill is clearly directed toward assisting law enforcement agencies in their enforcement of speed laws. That is a proper function of the police power of the Legislature in furthering the safety of the public on Nebraska roads and highways. The language of the statute appears adequate to comply with due process requirements of notice as to what is prohibited and the provisions for storage of such devices in a place not readily accessible to the occupants of the automobile is a reasonable compromise between the purpose of the act and the interests of interstate travelers who may be entering Nebraska from a state where the operation of a radar detection or jamming device is permitted or traveling from Nebraska through such a state.

One area of some concern is the definition of "possession." It could be argued that the function of the term is to create an irrebuttable presumption that a device which is hooked up to a power source or within ready access to any person in the vehicle was being used to evade the enforcement of speed laws. In that event the bill would probably be held unconstitutional because conclusive presumptions are disfavored, particularly in criminal law, and it is impermissible to shift the burden of proof to the defendant. (See, e.g., Crenshaw v. Commonwealth, 219 Va. 38, 245 S.E.2d 243 (1978).) However, in Ulster County Court v. Allen, 442 U.S. 140 (1979), the United States Supreme Court considered the validity of a statutory presumption and a synopsis of the cases on the subject provided therein would indicate that questions have arisen out of situations where there has been a presumption *expressly* created by law or jury instruction rather than where the *effect* of a law is to create a presumption. In addition, statutes are to be construed when possible in a manner which will sustain their constitutionality. The definition of "possession" may be a concession for interstate travelers aimed at avoiding arguments that the bill has an unconstitutionally detrimental impact on interstate commerce. With this construction, as opposed to one which would interpret the bill to create an irrebuttable presumption of "use," the proposed legislation would probably not be considered constitutionally defective.

The issue of whether the proposed legislation is in conflict with, or in violation of, the Federal Communications Act of 1934, 47 U.S.C. §151, et seq., is essentially a question of whether the federal government has preempted the field and precluded state legislation on the subject. In accomplishing its purposes as relates to radio the FCC has principally regulated transmissions. It does not appear that Congress has intended to preempt the field when it comes to the reception of transmissions. Section 2, paragraph (1), of LB 32 defines a radar detection device as a "mechanism designed to detect the emission of radio microwaves in the electromagnetic spectrum, which microwaves, commonly referred to as radar, are employed by law enforcement officials to measure the speed of motor vehicles." State legislation concerning radar detection devices has not been precluded since it is the reception rather than generation of transmissions which is being regulated.

The federal government has regulated in the area of transmission of radio waves, which is the subject of the portion of LB 32 prohibiting the possession or operation of radar transmission devices. Nevertheless, it is clear that there is not a conflict between LB 32 and the federal statutes and rules pertaining to the FCC. Both have the purpose of preventing interference with radio waves. However, the primary purpose for the federal legislation is to assist the formation of an efficient, nationwide communications system while the primary purpose of LB 32 is to protect persons on the roads and highways of this state by preventing the obstruction of the enforcement of speed laws. Since there is no conflict and since the need for uniformity is not so great as to exclude state legislation, joint jurisdiction in this area should be permitted. *See*, *McInerney v. Ervin*, 46 So. 2d 458 (Fla. 1950).

In conclusion, it is our opinion that legislation in this area has not been precluded by the federal legislation and that the constitutionality of the bill, if enacted, would be upheld.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mark Starr
Assistant Attorney General

MS:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 492. Placed on General File.

(Signed) Martin Kahle, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 145. Indefinitely postponed.
LEGISLATIVE BILL 203. Indefinitely postponed.

(Signed) Steve Fowler, Chairperson

Agriculture and Environment

LEGISLATIVE BILL 245. Placed on General File as amended.
Standing Committee amendments to LB 245:
Req. #2147

1. Strike the original sections and insert the following new sections:

"Section 1. The Board of Regents of the University of Nebraska is hereby authorized to plan and construct a Regional College of Veterinary Medicine to be located on the East Campus of the University of Nebraska at Lincoln, Lancaster County, Nebraska, adjacent to facilities that support the veterinary science education, research, and diagnosis programs, with a total project cost, excluding interest on indebtedness, not to exceed twenty-nine million, two hundred eighty-nine thousand, four hundred dollars, of which an estimated thirteen million, three hundred eighty-one thousand, seven hundred ninety-four dollars shall be provided by federal funds, two million dollars shall be provided by private donations to the University of Nebraska Foundation, and a net amount of not more than two million, three hundred thousand dollars shall be provided through the sale of bonds pursuant to the agreement authorized in section 4 of this act.

Sec. 2. That section 85-180.01, Revised Statutes Supplement, 1980, be amended to read as follows:

85-180.01. The Board of Regents of the University of Nebraska may enter into agreements with two or more of the following: The North Dakota Board of Higher Education; the South Dakota Board of Regents; the University of Wyoming Board of Regents; ~~and~~ the Montana Board of Regents; and such other state or states that wish to enter into an agreement for the purpose of constructing through the use of student fees facilities for and operating a program of regionalized veterinary medical education and services. ~~When a majority of the states listed in this section have entered into such agreement they may allow any other state or states to join in such agreement.~~

Sec. 3. Nothing in this act shall be construed to reduce or diminish the state's support of present University of Nebraska programs and their existing needs. It is the intent of the Legislature that any veterinary medicine program resulting from this act will be provided with necessary operating funds, which will be in addition to funds provided for existing University of Nebraska programs.

Sec. 4. The State of Nebraska on behalf of the Board of Regents of the University of Nebraska is authorized to enter into an agreement with the city of Lincoln, Nebraska, pursuant to the provisions of sections 72-1401 to 72-1412, providing for the issuance by the city of Lincoln of bonds not to exceed a net amount of two million, three hundred thousand dollars to assist the Board of Regents of the University of Nebraska in providing the necessary interim construction funds for a Regional College of Veterinary Medicine to be located on the East Campus of the University of Nebraska at Lincoln, Nebraska. The Board of Regents is authorized to convey to the city of Lincoln such property and buildings as may be necessary for purposes of such agreement.

Sec. 5. The Board of Regents of the University of Nebraska is authorized to employ such staff and expend such funds as may be appropriated by the Legislature for the purpose of coordinating the development, construction, and participation of other states in the Regional College of Veterinary Medicine program.

Sec. 6. That original section 85-180.01, Revised Statutes Supplement, 1980, is repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Loran Schmit, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 31.

Introduced by Beyer, 3rd District; Fenger, 45th District.

WHEREAS, the Omaha Bryan girls basketball team from Sarpy County is the only undefeated Class A girls basketball team in the state, posting a record of twenty-six wins and no losses; and

WHEREAS, the final game of this perfect season was the capturing of the Class A girls basketball crown; and

WHEREAS, the winning of such a championship is a demonstration of the willingness to endure the hard work and struggle associated with significant accomplishments; and

WHEREAS, such outstanding achievements are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends the competitive spirit and athletic ability exhibited by the Omaha Bryan Bears girls basketball team as demonstrated by its participation in the Class A championship game.
2. That the members of the Legislature extend their congratulations and best wishes to the members of the Omaha Bryan Bears girls basketball team and Coach Willie Marshall for winning the Class A championship.

Laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 24. With Emergency.

A BILL FOR AN ACT relating to public roads; to require certain equipment on irrigation systems as prescribed; to provide a penalty; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 39:

Beutler
Beyer
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 5:

Barrett
Burrows
Cullan
Rumery
Vickers

Present and not voting, 1:

Sieck

Excused and not voting, 4:

Higgins
Kilgarin
Koch
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 38.

A BILL FOR AN ACT relating to food; to provide an exception to civil liability for certain donations; and to provide penalties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
DeCamp
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 6:

Beutler
Chambers
Cullan
Dworak
Fowler
Johnson, V.

Present and not voting, 2:

Cope
Sieck

Excused and not voting, 4:

Higgins
Kilgarin
Koch
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 54.

A BILL FOR AN ACT to amend section 39-6,191, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to limit the operation of the guest statute to certain relatives of the motor vehicle owner or operator; to provide for application; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Von Minden

Excused and not voting, 3:

Higgins
Kilgarin
Koch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 275.

A BILL FOR AN ACT to amend section 44-2406, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Insurance Guaranty Association Act; to change claim obligations as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Higgins
Kilgarin
Koch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 288.

A BILL FOR AN ACT to amend section 84-1317, Revised Statutes Supplement, 1980, relating to the State Employees Retirement Act; to provide an exception to such act; and to repeal the original section.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 45:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Wagner

Excused and not voting, 3:

Higgins
Kilgarin
Koch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Introduce New Bill

Mr. Maresh moved for the introduction of a new bill by the Business and Labor Committee, Req. #906.

The motion prevailed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 548. By Business and Labor Committee: Maresh, 32nd District, Chairperson; Fitzgerald, 14th District; Vickers, 38th District; Wiitala, 31st District; Goll, 16th District; Labedz, 5th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to make appropriations for the payment of miscellaneous claims against the state; to provide how payments shall be made; and to declare an emergency.

MOTION - Introduce New Bill

Mr. Maresh moved for the introduction of a new bill by the Business and Labor Committee, Req. #907.

The motion prevailed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 549. By Business and Labor Committee: Maresh, 32nd District, Chairperson; Fitzgerald, 14th District; Vickers, 38th District; Wiitala, 31st District; Goll, 16th District; Labedz, 5th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to disallow certain claims against the state.

SELECT FILE

LEGISLATIVE BILL 5. Mr. Cullan requested a machine vote.

Advanced to E & R for Engrossment with 25 ayes, 11 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 459A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 144A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 72. E & R amendment found in the Journal on page 789 for the Thirty-Ninth Day was adopted.

Mr. Lamb requested a machine vote.

Advanced to E & R for Engrossment with 27 ayes, 7 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 73. E & R amendment found in the Journal on page 789 for the Thirty-Ninth Day was adopted.

Mr. Chambers requested a machine vote.

Advanced to E & R for Engrossment with 25 ayes, 12 nays, 9 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 132. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2148.)

LEGISLATIVE BILL 361. Placed on General File as amended. Standing Committee amendment to LB 361:

1. On page 2, line 11, strike "sections 77-202.01 to 77-202.08" and insert "subdivision (1)(b) or (1)(c) of section 77-202 pursuant to the procedure in section 77-202.08"; and in line 13 strike "letter E" and insert "words tax exempt which shall appear at the bottom of the license plate in place of the logo provided for in section 60-311".

(Signed) Maurice Kremer, Chairperson

MOTIONS - Print in Journal

Mr. Chambers moved that LB 206 be passed notwithstanding the objection of the Governor.

Laid over.

Mr. Chambers moved that LB 206A be passed notwithstanding the objection of the Governor.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 32.

Introduced by Hefner, 19th District.

WHEREAS, the Randolph Cardettes basketball program was instituted only five years ago; and

WHEREAS, the Randolph girls basketball team has just completed a perfect season with twenty-five wins and no losses; and

WHEREAS, the final game of this perfect season was the capturing of the Class C girls basketball championship crown; and

WHEREAS, the winning of such a championship is a demonstration of the willingness of the team and its coach, Dan List, to endure the hard work and struggles associated with significant accomplishments; and

WHEREAS, such outstanding achievements are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends the spirit and athletic ability exhibited by the Randolph Cardettes basketball team as demonstrated by its participation in the Class C championship game.

2. That the members of the Legislature extend their congratulations and best wishes to the members of the Randolph Cardettes basketball team for winning the state Class C championship.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mr. Clark asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 190. Title read. Considered.

Mr. Warner offered the following amendment:

Amend LB 190 page 3 line 16 strike the word "unexpended" and insert the word "unobligated"

Mr. Haberman offered the following amendment to the Warner amendment:

"On page 3 strike the language contained in lines 15-21."

The amendment was adopted with 31 ayes, 2 nays, 13 present and not voting, and 3 excused and not voting.

The Warner amendment, as amended, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

SPEAKER MARVEL PRESIDING

Advanced to E & R for Review with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 220. Title read. Considered.

Standing Committee amendment found in the Journal on page 613 for the Twenty-Eighth Day was considered.

Messrs. Maresh and Hoagland offered the following amendment to the Standing Committee amendment:
Strike $7500 and insert $25,000.00

The amendment lost with 14 ayes, 18 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Vickers requested a division of the question on the Committee amendments.

The Chair sustained the division.

(1)

The first amendment is as follows:
1. On page 3, line 1, after "issue" insert "and the total estimated expenditure for the purchase or construction of such building is not in excess of seven thousand five hundred dollars";

The Standing Committee amendment (1) lost with 10 ayes, 11 nays, 25 present and not voting, and 3 excused and not voting.

(2)

The second amendment is as follows:
And in line 8 strike "thirty" and insert "fifteen".

The Standing Committee amendment (2) was adopted with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 10 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 151. Title read. Considered.

Standing Committee amendments found in the Journal on page 617 for the Twenty-Eighth Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. V. Johnson requested a roll call vote.

Voting in the affirmative, 25:

Beutler
Burrows
Carsten
Chambers
Chronister
Cope
DeCamp
Dworak
Fitzgerald
Fowler
Hoagland
Johnson, V.
Kilgarin
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Pirsch
Stoney
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 19:

Barrett
Beyer
Cullan
Fenger
Goll
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Maresh
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Vickers
Warner

Excused and not voting, 4:

Clark
Higgins
Koch
Nichol

Absent and not voting, 1:

Goodrich

Advanced to E & R for Review with 25 ayes, 19 nays, 4 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chronister asked unanimous consent to have his name added to LB 269. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Clark asked unanimous consent to be excused, Monday, March 16, 1981. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present, I would have voted YES on LB 38 and LB 54.

(Signed) Karen Kilgarin

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached Reference Report No. 5, Governor's Appointments.

Public Health and Welfare
Robert E. Quick, M.D., Rural Health Manpower Commission
Dwaine Peetz, Rural Health Manpower Commission
M. L. Chaloupka, Rural Health Manpower Commission
Ramona Freeman, Rural Health Manpower Commission
Tod Voss, Rural Health Manpower Commission
Judy Butler, Rural Health Manpower Commission

Banking, Commerce and Insurance
Ralph Kelly, Nebraska Investment Council

Judiciary
Verne Moore, Jr., Crime Victims Reparations Board

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 548 and 549.

LB	Committee
548	Business and Labor
549	Business and Labor

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendments to LB 72 in the Journal. No objections. So ordered.

Req. #2152
1. Insert the following new section:
"Sec. 17. That section 37-505, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

37-505. It shall be unlawful to buy, sell, or barter (1) any game bird or part thereof, ~~; Provided, that~~ except the feathers or skins from legally taken upland game birds. ~~may be sold to licensed fur buyers and purchased from such buyers in the ordinary channels of trade; and provided further, that the Game and Parks Commission may, by regulation, prohibit the sale of feathers or skins of any upland game bird species.~~ For the purposes of this section, upland game birds shall be defined as those species of game birds defined in subdivision (5) of section 37-220; ~~. Licensed fur buyers are hereby authorized to buy, sell, and deal in feathers or skins from upland game birds under the same conditions and provisions relating to the purchase and sale of raw furs as contained in section 37-211 and under the further restrictions of this act or regulations enacted thereunder;~~ (2) any antelope, cottontail rabbit, deer, elk, squirrel, or bullfrog; Provided, that deer and antelope hides from legally taken deer and antelope may be sold when tagged by the licensed taker thereof; or (3) any game fish protected by this act at any time, whether killed or taken within or without this state, or for any commercial institution, commission house, restaurant, or cafe keeper to have in possession at any time game birds or game animals protected by this act. Game fish lawfully shipped in from without the state, by residents of this state, or game or fish lawfully acquired from a lawful game farm or a person having a fish culture permit, may be sold in this state. The burden of proof shall be upon every such dealer and keeper to show by competent and satisfactory evidence that any game or game fish in his or her possession or sold by him or her was lawfully imported from without the state or was lawfully acquired from a licensed game farm or a person having a fish culture permit. Nonresidents holding a valid nonresident fish dealer's permit may possess, buy, sell, transport, and ship live bait minnows and live fish, all frogs and crayfish, legally obtained from without this state, or from a licensed fish hatchery, in accordance with the regulations of the Game and Parks Commission. The fee for a nonresident fish dealer's permit shall be one hundred dollars.''.

2. On page 39, line 10, after ``37-308,'' insert ``37-505,''.

3. Renumber original sections 17 to 23 as sections 18 to 24 respectively.

Mr. Dworak asked unanimous consent to print the following amendments to LB 500 in the Journal. No objections. So ordered.

1. On page 7, strike beginning with "This" in line 22 through the period in line 25.

2. On page 10, line 10, strike "fifty-one" and insert "sixty".

3. Insert the following new section:

"Sec. 28. Sections 23 to 27 of this act shall not apply to existing mutual associations.".

4. Renumber original sections 28 and 29 as sections 29 and 30 respectively.

Mr. Haberman asked unanimous consent to print the following amendments to LB 376 in the Journal. No objections. So ordered.

(1)

1. On page 9, line 1, strike "ten" and insert "five".

(2)

1. On page 9, line 1, strike "ten" and insert "seven".

(3)

1. On page 9, line 1, strike "ten" and insert "eight".

NOTICE OF COMMITTEE HEARINGS

Business and Labor

LB 548	Wednesday, March 18, 1981	1:30 p.m.
LB 549	Wednesday, March 18, 1981	1:30 p.m.

Governor's Appointments
Richard L. Berkheimer-March 18, 1981 1:00 p.m.
Commission of Industrial Relations

(Signed) Richard Maresh, Chairperson

UNANIMOUS CONSENT - Members Excused

Mrs. Marsh, Messrs. Lamb, Kremer, and Wesely asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 179. Title read. Considered.

Standing Committee amendments found in the Journal on page 625 for the Twenty-Ninth Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 204. Title read. Considered.

Standing Committee amendments, Req. #2079, printed separate from the Journal and on file in the Clerk's office were considered.

Mr. Wagner offered the following amendments to the Standing Committee amendments:

1. On page 242, strike new language in lines 25 through 27, show as striken, and on page 243, strike new language in lines 1 through 2, show as striken, and insert:

"Mileage shall be computed at the rate provided in section 84-306.03 for state employees."

The amendments were adopted with 24 ayes, 0 nays, 20 present and not voting, and 5 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 204A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

ANNOUNCEMENT

Speaker Marvel announced the deadline for submission of priority bill designation by both committees and individuals is noon, Friday, March 13, 1981.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendments to LB 205 in the Journal. No objections. So ordered.

(FINAL READING COPY)

Req. #2150

1. On page 2, line 18, after the period insert "Such person shall in addition have been an active member of an organized fire department for five years, three years of which shall have been in the capacity of an officer and shall hold a certificate from a recognized firefighter's training course, either from a fire department drill school, vocational course, or fire college.".

2. Strike original sections 2 and 3 and insert the following new section:

"Sec. 2. (1) A sworn member of an organized and paid fire department of any city of the metropolitan class who is classified as an authorized arson investigator pursuant to section 1 of this act shall have the power to summon and compel the attendance of witnesses before him or her, to testify in relation to the cause, origin, and circumstances of any fires or explosions that occur within the department's jurisdiction, and may require the production of any book, paper, or document deemed pertinent to such investigation. Such summons shall be approved in writing by the chief of the fire department and shall be served in the same manner and have the same effect as subpoenas from district courts. All witnesses shall receive the same compensation as is paid to witnesses in district courts. All investigations held by or under the direction of such arson investigator may, at his or her discretion, be private, and persons other than those required to be present and their attorneys, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

(2) Such authorized arson investigator may administer oaths and affirmations to any persons appearing as witnesses before him or her. False swearing in any manner or in such proceeding shall be deemed perjury and shall be punished as such upon conviction in any court of competent jurisdiction.

(3) Any witness who refuses to be sworn, who refuses to testify, or who disobeys any lawful order of the arson investigator or chief of the fire department, in relation to any investigation, or who fails or refuses

to produce any paper, book, or document touching any matter under examination, or who is guilty of any contemptuous conduct, after being summoned to appear before the arson investigator or chief of the fire department to give testimony in relation to any matter or subject under such examination or investigation, shall be guilty of contempt and, upon conviction of such contempt before any court of competent jurisdiction, shall be punished as provided by law for contempt of the orders of a district court. Notwithstanding any other provision of this subsection, no person shall be compelled to give testimony which might tend to incriminate him or her or to give testimony which is considered privileged by the laws of the State of Nebraska.

(4) Disobedience of any subpoena in such proceedings, or contumacy of a witness, may, upon application by the chief of the fire department to the district court of the county in which the offense was committed, be punished by the district court in the same manner as if the proceedings were pending in such court.”.

3. On page 4, line 23, strike “Full-time employees” and insert “A full-time employee”; and in line 25 strike “are” and insert “is an” and strike “investigators” and insert “investigator”.

4. Renumber original sections 4 and 5 as sections 3 and 4, respectively.

Mr. Vickers asked unanimous consent to print the following amendment to LB 151 in the Journal. No objections. So ordered.

Amend LB 151 on pg. 4 line 27 strike “five” and insert “three”.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Fowler asked unanimous consent to have his name added to LB 169. No objections. So ordered.

VISITORS

Visitors to the Chamber were 14 students and teacher from Schuyler High School; Mrs. Labedz's grandson, Shane Michael and parents, Mike and Toni Lenagh; 17 students and teachers from Nebraska School for Deaf, Omaha; Dan and Bill Miller from Omaha South High School; 11 students and teacher from Ralston High School; 50 students and teacher from Northeast Technical School, Norfolk; former Senator Leslie Harsh from McCook; Louis Schaffert from Cambridge; and Mrs. Bessie Kath.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Remmers, the Legislature adjourned until 9:00 a.m., Wednesday, March 11, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 11, 1981

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 11, 1981

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Pastor David L. Erdman, Plains Baptist Church, Lincoln, Nebraska.

ROLL CALL

Mrs. Marsh requested a record vote.

The roll was called and the following members were present.

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fitzgerald
Fowler
Goodrich
Hefner
Johnson, L.
Kahle
Kilgarin
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Peterson, H.
Peterson, R.
Remmers
Rumery
Vickers
Von Minden
Wagner
Warner
Wesely

Mesdames Higgins and Labedz were excused; and Mrs. Pirsch, Messrs. Carsten, Fenger, Goll, Haberman, Hoagland, V. Johnson, Koch, Newell, Nichol, Schmit, Sieck, Stoney, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fortieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 475. Placed on Select File as amended.
E & R amendment to LB 475:

1. In the title, line 10, strike ''and''; and in line 11 insert ''; and to declare an emergency'' after ''sections''.

LEGISLATIVE BILL 171. Placed on Select File.

LEGISLATIVE BILL 22. Placed on Select File as amended.
E & R amendments to LB 22:

1. On page 5, line 5, strike ''where'' and insert ''when''; and in line 6 strike the comma.
2. In the title, line 9, strike ''instructors'' and insert ''instruction''.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 292. Placed on General File as amended.
Standing Committee amendments to LB 292:

1. Strike the original sections and insert the following:

''Section 1. This act shall be known and may be cited as the Forms Management Program Act.

Sec. 2. (1) The Legislature finds and declares that:

(a) The information and paperwork explosion of recent years has placed a large burden and expense on all organizations, both public and private;

(b) The economic viability of some organizations is threatened by the continued growth in governmental paperwork; and

(c) A modern administrative technique known as forms management has proven to be a valuable tool in helping organizations of all sizes reduce costs and minimize the impact and expenses accompanying the growth in governmental paperwork.

(2) The purpose of this act is to establish an office within the Department of Administrative Services, to be known as the forms management center, for the coordination, orderly design, implementation, and maintenance of a state agency forms management program with the stated purpose of simplifying, consolidating, or eliminating, when and where expedient, the forms, surveys, and other

documents used by state agencies. Particular emphasis shall be directed to determining the necessity of information, records, and reports sought through such forms, surveys, and other documents from private citizens, businesses, and political subdivisions.

Sec. 3. As used in sections 1 to 8 of this act, unless the context otherwise requires:

(1) State agency shall mean any state constitutional office, state administrative department, or any state board or commission established by an act of the Legislature, except the University of Nebraska, the Nebraska State Colleges, and their respective governing boards;

(2) Director shall mean the Director of Administrative Services;

(3) Department shall mean the Department of Administrative Services; and

(4) Form shall mean every piece of paper, printed or reproduced by whatever means, with blank spaces left for entry of additional data which is used in any transaction between a state agency and any person, as defined in section 49-801.

Sec. 4. The director shall establish and staff an office within the department to be known as the forms management center.

Sec. 5. The director, through the forms management center, shall:

(1) Coordinate a forms management program for all state agencies and provide assistance in establishing internal forms management capabilities;

(2) Study, develop, coordinate, approve, and initiate forms of common administrative usage, and establish basic state design and specification criteria to effect the standardization of state forms;

(3) Provide assistance to state agencies for economical forms design and forms art work composition and establish and supervise control procedures to prevent the undue creation and reproduction of state forms;

(4) Provide assistance, training, and instruction in forms management techniques to state agencies forms management representatives, and departmental forms coordinators, and provide direct administrative and forms management assistance to new state organizations or institutions as they are created;

(5) Maintain a central cross index of state forms to facilitate the standardization of such forms, to eliminate redundant forms, and to provide a central source of forms usage and availability information;

(6) Utilize appropriate procurement techniques, as defined in sections 81-145 to 81-162 and 81-1118, to take advantage of competitive bidding, consolidated orders, and

contract procurement of forms, and work for more efficient, economical, and timely procurement, receipt, storage, and distribution of state forms;

(7) Conduct periodic evaluation of the effectiveness of the overall forms management program and the forms management practices of the individual state agencies, and maintain records which indicate net dollar savings which have been realized through centralized forms management;

(8) Enter into agreements which delegate implementing action to state agencies where such mutually developed arrangements will result in the most timely and economical method of accomplishing the responsibilities set forth in this act; and

(9) Adopt and promulgate rules and regulations to implement the overall purposes of this act.

Sec. 6. The department, by rule and regulation, shall provide:

(1) That each agency shall develop a data aquisition plan. Such plan shall include (a) a detailed justification of how data will be used, once acquired, (b) the method of analysis that will be applied to such data, (c) the timetable for disseminating such data, (d) the total cost to and work hours required of each respondent in completing each form, (e) an estimate of the number of respondents to each form, and (f) an estimate, based upon previous experience, of the total annual cost to a state agency of collecting, processing, and analyzing the data from each form; and

(2) That any form required by an agency on an emergency basis may be given interim approval by the forms management center if such form is filed with the forms management center and is accompanied by a letter from the director or head of the state agency stating the nature of the emergency and requesting interim approval of such form.

Sec. 7. Each state agency shall appoint a forms management representative and provide necessary assistance in implementing the forms management program within such agency.

Sec. 8. After July 1, 1982, no state agency shall utilize any form, except for interagency and intraagency communication or management purposes, unless such form has received prior approval from the forms management center.".

(Signed) Martin Kahle, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 460. Placed on General File.

LEGISLATIVE BILL 276. Indefinitely postponed.
LEGISLATIVE BILL 517. Indefinitely postponed.

(Signed) John W. DeCamp, Chairperson

MESSAGE FROM THE GOVERNOR

March 11, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 9, 34, 124, 178, and 345 were received in my office on March 9, 1981.

These bills were signed by me on March 10, 1981 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

ATTORNEY GENERAL'S OPINIONS

Opinion No. 45
March 6, 1981

Dear Senator Koch:

We are in receipt of your letter of February 25, 1981 in which you request our opinion as to the constitutionality of LB 368. Generally, this legislation would add provisions to the Nebraska Political Accountability and Disclosure Act, § 49-1401 et seq. and would specifically relate to false or deceptive campaign practices.

While you specifically inquire as to whether or not any of the provisions of this legislative bill would conflict with the Bill of Rights to the Constitution of the United States, we presume that your inquiry is directed primarily at the protections and freedoms guaranteed by the First Amendment to the United States Constitution.

As a general statement of law, a state legislature may enact laws reasonably regulating elections without violating the constitutional guarantees of the First Amendment. See generally, C.J.S., Constitutional Law, § 213(23). More specifically, the United States Supreme Court held in Buckley v. Valeo, 424 U.S. 1:

> In view of the fundamental nature of the right to associate, government "action which may have the affect of curtailing the freedom to associate is subject to the closest scrutiny" [citation omitted] Yet it is clear that "[n]either the right to associate nor the right to participate in political activities is absolute" [citation omitted] Even a "significant interference with protected rights of political association" may be sustained if the State demonstrates a sufficiently important interest and employs means closely drawn to avoid unnecessary abridgement of associational freedoms. [citations omitted].

From our examination of the provisions contained within Legislative Bill 368, we are of the opinion that the prohibitions contained therein would survive close constitutional scrutiny.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:pes
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 46
March 9, 1981

Dear Senator Beutler:

You have requested the opinion of this office regarding LB 4 which addresses the Governor's authority to proclaim holidays. Specifically, you have inquired as follows:

> If the permissive language in the statutes is stricken would the governor still have the authority to declare paid and/or unpaid holidays for state employees? If the governor should exercise his discretion and declare an unpaid holiday, what would be the state's liabilities, if any, to employees whose wages were lost?

A holiday is "a day in which the ordinary occupations are suspended, or a day of exemption or cessation from work or of festivity, recreation, or amusement" 40 C.J.S., Holidays, § 1, p. 410. Accordingly, our opinion is specifically limited to the Governor's authority to proclaim a holiday as opposed to his authority to suspend work during an emergency or otherwise.

We note that LB 4 as currently written would delete the Governor's authority to proclaim a holiday from only Neb.Rev.Stat. § 84-1001 (Reissue 1976). Two other statutes contain provisions concerning the Governor's authority to close state offices and to pay certain employees. Neb.Rev.Stat. § 81-117(2) (Supp. 1980) provides in part:

> Regular employees working on the hourly basis shall be paid wages equivalent to their regular wages for the usual number of hours worked for days declared by statutory act or proclamation of the President of the United States or the Governor to be holidays . . . .

Neb.Rev.Stat. § 81-113 (Reissue 1976) provides that "[e]ach department shall be open for the transaction of business at least from 8:00 a.m. until 5:00 p.m., of each day except Saturdays, Sundays, and days declared by statutory enactment or proclamation of the President or Governor to be holidays." We assume that you intend to delete the permissive language from these statutes also. If such were not the case, the provision in LB 4 requiring that employees render not less than forty hours of labor each week would conflict with §§ 81-113 and 81-117(2) and your questions could not be definitively answered.

Assuming that the language allowing the Governor to proclaim a holiday will be stricken from §§ 81-113, 81-117(2) and 84-1001, he would then be left without any statutory power to proclaim a holiday. However, the Governor's authority over employees in the executive branch is not solely derived from statute. Article IV, Section 6 of the Constitution of the State of Nebraska provides that "[t]he supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed and the affairs of the state efficiently and economically administered." However, wide discretion is vested in the Legislature as to the conditions of public employment. Gossman v. State Employees' Retirement System, 177 Neb. 326, 129 N.W.2d 97 (1964). Each case must be weighed on its own facts to ensure that one branch of government is not encroaching upon another. We did not discover a case specifically addressing the balance of power as it concerns holidays. By examination of various cases concerning the separation of powers, we conclude that the Legislature has the discretion to determine the days and the hours during which state statutory offices will be open.

The Legislature has partially acted in this area. Section 81-113 provides in part that "each department shall be open for the transaction of business at least from 8:00 a.m. until 5:00 p.m., of each day except Saturdays, Sundays, ..." Although the term "department" as used in this section has never been construed by the courts, it apparently refers to those listed in Neb.Rev.Stat. § 81-101 (Reissue 1976), such being the Department of Agriculture, Labor, Health, Roads, Water Resources, Banking and Finance, Insurance, Motor Vehicles, Public Welfare, Public Institutions, Administrative Services, Economic Development, and Correctional Services. We are unaware of any other statutory provision governing the hours or days during which state offices must be open.

The Legislature has set the business hours of only a limited number of departments. There are many other offices, boards, commissions and the like which have not been dealt with. Practicality requires that someone set the hours of business for these other entities. We conclude that the supreme executive power vested in the Governor allows him to set the hours of business for entities coming under his authority and for which the Legislature has not otherwise acted. (We note that only non-constitutional executive offices fall under the Governor's authority.) This power has the practical effect of allowing the Governor to declare a holiday for employees of such entities.

It is possible that the Governor could proclaim that employees be paid for such a holiday. Again, it is a separation of powers question for which there is no constant answer. Each case must be determined upon its own facts. State of Nebraska ex rel. Meyer v. State Board of Equalization and Assessment, 185 Neb. 490, 176 N.W.2d 920 (1970) is a prime example. The court therein states:

> Under all constitutional governments recognizing three distinct and independent magistracies, the control of the purse strings of government is a legislative function; indeed, it is the supreme legislative prerogative, indispensable to the independence and integrity of the legislature . . . . The right of the legislature to control the public treasury, . . . is firmly and inexpugnably established in our political system.

Quoting from Colbert v. State, 86 Miss. 769, 39 So. 65. The same case later states,

> It [the Legislature] cannot through the power of appropriation exercise or invade the constitutional rights and powers of the executive branch . . . . It cannot administer the appropriation once it has been made . . . . All authorities are in agreement that it is impossible to fix exact limits in the area of constitutional separation of powers.

The Meyer court went on to hold that the Legislature could validly impose a ceiling on personal service expenditures within the executive branch. By examination of Meyer and other separation of power cases we conclude that the Governor would have the authority to proclaim that employees be paid for a day during which they did not work due to a holiday so long as funds were available which were not restricted from use for such a purpose by the Legislature.

Even if funds were so restricted, it would not necessarily mean that the state would not be legally obligated to provide compensation. Various constitutional, statutory and contractual provisions may be applicable. Compensation is made by salary and hourly wage. It is set by constitution, statute, personal contract, union contract and implied agreement. The duty to compensate may vary dependent upon particular circumstances. The possible circumstances are too numerous to catalogue. We can only conclude that so long as the Governor retains the authority to close certain state offices, the possibility exists that the state will be legally obligated to compensate an employee for his lost wages.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Martel J. Bundy
Assistant Attorney General

MJB:pes
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Maresh asked unanimous consent to add his name to LB 549 as introducer and to withdraw the Business and Labor Committee as introducers. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 24, 38, 54, 275, and 288.

MOTION - Return LB 51 to Select File

Mr. Wesely moved to return LB 51 to Select File for the following specific amendment:

To strike the Rumery amendment of March 4.

The Wesely motion to return to Select File lost with 5 ayes, 24 nays, 18 present and not voting, and 2 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 51.

A BILL FOR AN ACT to amend sections 39-2503 and 39-2504, Reissue Revised Statutes of Nebraska, 1943, relating to highways and bridges; to change provisions relating to distribution of funds to counties as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 2:

Beutler
Wesely

Excused and not voting, 2:

Higgins
Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 150. With Emergency.

A BILL FOR AN ACT to amend section 8-820, Revised Statutes Supplement, 1980, relating to banks and banking; to authorize a fee; to reduce a minimum fee; to declare public policy; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 34:

Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Koch
Landis
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 12:

Burrows
Chambers
Fitzgerald
Fowler
Kahle
Kilgarin
Kremer
Lamb
Maresh
Newell
Pirsch
Stoney

Present and not voting, 1:

Sieck

Excused and not voting, 2:

Higgins
Labedz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 195. With Emergency.

A BILL FOR AN ACT to amend section 44-311.04, Revised Statutes Supplement, 1980, relating to insurance; to change certain provisions relating to authorized investments; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch

Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 2:

Higgins
Labedz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 205 to Select File

Mr. Beutler moved to return LB 205 to Select File for his specific amendment found in the Journal on page 837, Req. #2150.

Mr. Beutler asked unanimous consent to withdraw his pending amendment found in the Journal on page 837. No objections. So ordered.

Mr. Beutler offered the following specific amendment:

(FINAL READING COPY)

1. On page 2, line 17, after the period insert "Such person shall in addition have been an active member of an organized fire department for a minimum of six years, and shall meet the minimum qualifications and training standards established by the city for all firefighters."

2. Strike original sections 2 and 3 and insert the following new section:

"Sec. 2. (1) A sworn member of an organized and paid fire department of any city of the metropolitan class who is classified as an authorized arson investigator pursuant to section 1 of this act shall have the power to summon and compel the attendance of witnesses before him or her, to testify in relation to the cause, origin, and circumstances of any fires or explosions that occur within the department's jurisdiction, and my require the production of any book, paper, or document deemed pertinent to such investigation. Such summons shall be approved in writing by the chief of the fire department and shall be served in the same manner and have the same effect as subpoenas from district courts. All witnesses shall receive the same compensation as is paid to witnesses in district courts. All investigations held by or under the direction of such arson investigator may, at his or her discretion, be private, and persons other than those required to be present and their attorneys, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

(2) Such authorized arson investigator may administer oaths and affirmations to any persons appearing as witnesses before him or her. False swearing in any manner or in such proceeding shall be deemed perjury and shall be punished as such upon conviction in any court of competent jurisdiction.

(3) Any witness who refuses to be sworn, who refuses to testify, or who disobeys any lawful order of the arson investigator or chief of the fire department, in relation to any investigation, or who fails or refuses to produce any paper, book, or document touching any matter under examination, or who is guilty of any contemptuous conduct, after being summoned to appear before the arson investigator or chief of the fire department to give testimony in relation to any matter or subject under such examination or investigation, shall be guilty of contempt and, upon conviction of such contempt before any court of competent jurisdiction, shall be punished as provided by law for contempt of the orders of a district court. Notwithstanding any other provision of this subsection, no person shall be compelled to give testimony which might tend to incriminate him or her or to give testimony which is considered privileged by the laws of the State of Nebraska.

(4) Disobedience of any subpoena in such proceedings, or contumacy of a witness, may, upon application by the chief of the fire department to the district court of the county in which the offense was committed, be punished by the district court in the same manner as if the proceedings were pending in such court.”.

3. On page 4, line 23, strike “Full-time employees” and insert “A full-time employee”; and in line 25 strike “are” and insert “is an” and strike “to” and “investigators” and insert “investigator”.

4. Renumber original sections 4 and 5 as sections 3 and 4, respectively.

The Beutler motion to return LB 205 to Select File prevailed with 25 ayes, 4 nays, 18 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 205. Mr. Beutler renewed his pending specific amendment found in this day's Journal.

The Beutler amendment was adopted with 25 ayes, 14 nays, 8 present and not voting, and 2 excused and not voting.

MR. CLARK PRESIDING

Laid over.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 272.

A BILL FOR AN ACT to adopt a revised version of the Uniform Limited Partnership Act; to provide for severability; to provide an operative date; and to repeal sections 67-201, 67-203 to 67-208, 67-211 to 67-218, 67-220 to 67-224, and 67-226 to 67-231, Reissue Revised Statutes of Nebraska, 1943, and sections 67-202, 67-209, 67-210, 67-219, 67-225, and 67-232, Revised Statutes Supplement, 1980.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Burrows

Excused and not voting, 2:

Higgins
Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ANNOUNCEMENT

Mr. Clark announced today is Senator V. Johnson's birthday.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 409.

A BILL FOR AN ACT relating to abstracters; to amend sections 76-501, 76-504, 76-515, 76-519, and 76-521, Reissue Revised Statutes of Nebraska, 1943; to provide for continuing education requirements for registered abstracters; to change certain bonding provisions; to change county officer eligibility; to change a publication date; to change application requirements as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Cope
Cullan
DeCamp
Fitzgerald
Fowler
Goll
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Sieck
Stoney
Vickers
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 7:

Chronister
Dworak
Fenger
Lamb
Peterson, R.
Remmers
Schmit

Present and not voting, 3:

Clark	Goodrich	Wagner

Excused and not voting, 2:

Higgins	Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 104 to Select File

Mr. Beutler moved to return LB 104 to Select File for a specific amendment.

The motion prevailed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 104. Mr. Beutler offered the following specific amendment:
1. On page 3, line 13, strike beginning with ", except" through "1982" in line 18.

The amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 154.

A BILL FOR AN ACT relating to loan brokers; to provide definitions; to regulate practices by loan brokers; to provide duties; to establish penalties; and to provide for severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 2:

Higgins
Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 11, 1981, at 10:40 a.m., were the following bills: 24, 38, 54, 275, and 288.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 5, 459A, 144A, 72, and 73.

(Signed) Karen Kilgarin, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 273 in the Journal. No objections. So ordered.

Req. #2157

(FINAL READING COPY)

1. Insert new sections as follows:

"Sec. 30. That section 25-2165, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 120, Eighty-seventh Legislature, First

Session, 1981, be amended to read as follows:

25-2165. If judgment be given for the plaintiff, he or she shall recover the damages which he or she shall have sustained, to be ascertained by the court or a jury, or by referees, in a civil action, ~~and~~ costs, and reasonable attorney fees; and a peremptory mandamus shall also be granted to him or her without delay. Except in cases of gross misconduct the attorney's fees shall be paid by the governmental body represented by the public official or employee. In cases of gross misconduct such fees shall be paid by the public official or employee.

Sec. 32. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 24, line 26, strike the first "and"; in line 27 after "1980," insert "and section 25-2165, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 120, Eighty-seventh Legislature, First Session, 1981,".

3. Renumber original section 30 as section 31.

4. In the title, line 8, strike "and"; and in line 10 after "1980" insert ", and section 25-2165, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 120, Eighty-seventh Legislature, First Session, 1981"; in line 25 strike "and"; and in line 28 after "1943" insert "; and to declare an emergency".

EXPLANATION OF VOTE

Had I been present, I would have voted Aye on the following bills: LB 24, LB 38, LB 54, LB 275, LB 288.

(Signed) Jerry Koch

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 417. Placed on General File as amended. Standing Committee amendments to LB 417:

Req. #2143

1. Insert a new section to read:

"Sec. 2. That section 39-6,181, Revised Statutes Supplement, 1980, be amended to read as follows:

39-6,181. (1) The Department of Roads or the Nebraska State Patrol with respect to highways under their jurisdiction including the National System of Interstate and Defense Highways, and county authorities with respect to highways under their jurisdiction may in their discretion upon application and good cause being shown therefor, issue a special permit in writing authorizing the applicant (a) to operate or move a vehicle, a combination of vehicles or objects of a size or weight of vehicle or load exceeding the maximum specified by law when such permit is necessary to further the national defense or the general welfare, (b) to permit movement of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment, or is necessary because of an emergency, an unusual circumstance, or a very special situation, (c) to operate vehicles loaded up to twenty-five per cent greater than the maximum weight specified by law, or up to ten per cent greater than the maximum length specified by law, or both, when carrying grain or other seasonally harvested products from the field where they are harvested ~~or assembled in the field~~ to storage, ~~or~~ market or stockpile in the field, or from storage or stockpile to market when failure to move in abundant quantities would cause an economic loss to the person or persons whose product or products are being transported or when failure to move such product or products in as large quantities as possible would not be in the best interests of the national defense or general welfare, or (d) to operate a vehicle or vehicles loaded at a weight twenty-five per cent greater than the maximum weight specified by law, when carrying garbage or refuse during and including the days of April 15 to July 1 of each year; Provided, no permit shall be issued under subdivisions (a) and (b) of this subsection for a vehicle carrying a load unless such vehicle is loaded with an object which exceeds the size or weight limitations and which object cannot be dismantled or reduced in size or weight without great difficulty and which of necessity must be moved over the highways to reach its intended destination; and provided further, no permit shall be required for the temporary movement on roads other than dustless-surfaced state highways and for necessary access to points on such highways during daylight hours of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment where such temporary movement is necessary and for a reasonable distance.

(2) The application for any such permit shall specifically describe the vehicle and the load to be operated or moved and whenever possible the particular highways, roads, or streets for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

(3) The department or county authority is

authorized to issue or withhold such permit at its discretion; or, if such permit is issued, to limit the number of days during which the permit is valid, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or to issue a continuing permit for use only on highways other than the National System of Interstate and Defense Highways to (a) a manufacturer or its carrier covering all similar vehicles or products produced by such manufacturer, or (b) the owner of vehicles described in subdivision (1) (c) of this section, subject to reasonable conditions as to periodic renewal of such permit and as to operation or movement of such vehicles, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or structures or undue danger to the public safety, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(4) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit. Each such permit shall state the maximum weight permissible on a single axle or combination of axles and the total gross weight allowed. No person shall violate any of the terms or conditions of such special permit and in case of any violation, the permit shall be deemed automatically revoked and the penalty of the original limitations shall be applied unless the violation consists solely of exceeding the size or weight specified by the permit, in which case only the penalty of the original size or weight limitation exceeded shall be applied, or unless the total gross load is within the maximum authorized by the permit and no axle is more than ten per cent in excess of the maximum load for such axle or group of axles authorized by the permit and such load can be shifted to meet the weight limitations of wheel and axle loads authorized by such permit. Such shift may be made without penalty provided that such shift is made at the state or commercial scale designated in the permit. The vehicle may travel from its point of origin to such designated scale without penalty, and a scale ticket from such scale, showing the vehicle to be properly loaded and within the gross and axle weights authorized by the permit, shall be reasonable evidence of compliance with the terms of the permit.

(5) The department or county authority issuing a

permit as provided in this section may promulgate rules and regulations with respect to the issuance of permits provided for in this section.

(6) The department or county authority issuing a permit may require a permit fee of not to exceed ten dollars; Provided, that the fee for a continuing permit may not exceed twenty-five dollars for a ninety-day period, fifty dollars for a one hundred eighty-day period, or one hundred dollars for a one-year period. A vehicle or combination of vehicles for which an application for a permit is requested pursuant to this section shall be registered under section 60-305.09 or 60-331, for the maximum gross vehicle weight that is permitted pursuant to section 39-6,180, before a permit shall be issued.".

2. On page 2, lines 19 through 23, strike the new matter and reinstate the stricken matter; in line 24 after "(4)" insert "combines in excess of fifteen feet in width moving between sunrise and sunset, but not to exceed twenty-five miles travel on a highway, and preceded by a well-lighted pilot vehicle or flagperson, in the normal course of farm operations, (5)"; and in line 26 strike "(5)" and insert "~~(5)~~ (6)".

3. On page 3, line 7 strike "flagman", and insert "~~flagman~~ flagperson"; in line 15, strike "(6)" and insert "~~(6)~~ (7)"; in line 22 strike "(7)" and insert "~~(7)~~ (8)"; and in line 24 strike "(8)" and insert "~~(8)~~ (9)".

4. On page 4, line 20, strike "(9)" and insert "~~(9)~~ (10) loads not exceeding sixteen feet in width moving during daylight hours and preceded by a well-lighted pilot vehicle or flagperson, or (11)"; in line 24 after "operation" insert an underscored period; and strike beginning with the comma in line 24 through the period in line 26 and show as stricken.

5. Renumber original section 2 as section 3.

6. On page 5, line 16, strike "(10)" and insert "~~(10)~~ (11)"; in line 19, strike "section 39-6, 177" and insert "sections 39-6,177 and 39-6,181"; and in line 20 strike "is" and insert "are".

(Signed) Maurice Kremer, Chairperson

ANNOUNCEMENT

The Government, Military and Veterans Affairs Committee designates LB 292 and LB 446 as their priority bills.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendments to LB 198 in the Journal. No objections. So ordered.

(Amendments to Standing Committee Amendments, Req. No. 2097)

1. On page 1, strike lines 15 through 23 and insert the following new subsection:

"(3) Retail customers in a voting or election precinct not permitted to vote due to not living within the chartered territory shall be certified by the district as entitled to vote. The district shall certify to the Secretary of State the names of all such retail customers in the affected precincts along with the names of the voting or election precincts and such retail customers shall be qualified electors.".

UNANIMOUS CONSENT - Member Excused

Mr. Carsten asked unanimous consent to be excused Thursday, March 12, 1981. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 245A. By Agriculture and Environment Committee: Schmit, 23rd District, Chairperson.
This bill introduced on behalf of: LB 245.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 245, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

The Banking, Commerce and Insurance Committee desires to report favorably upon the reappointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Gwen Hershberger, Nebraska Investment Council

Vote: Aye: Senators Clark, Fitzgerald, Haberman, Labedz, Landis, Remmers, DeCamp (7). Nay: None. Not voting: None. Excused: Senator Schmit (1).

(Signed) John W. DeCamp, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 33.

Introduced by Labedz, 5th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Burrows, 30th District; Carsten, 2nd District; Chambers, 11th District; Chronister, 18th District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; Dworak, 22nd District; Fenger, 45th District; Fitzgerald, 14th District; Fowler, 27th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Hoagland, 6th District; Johnson, L., 15th District; Johnson, V., 8th District; Kahle, 37th District; Kilgarin, 7th District; Koch, 12th District; Kremer, 34th District; Lamb, 43rd District; Landis, 46th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Newell, 13th District; Nichol, 48th District; Peterson, H., 35th District; Peterson, R., 21st District; Pirsch, 10th District; Remmers, 1st District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Stoney, 4th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Wiitala, 31st District.

WHEREAS, Cecelia Andreasen passed away at the age of eighty on March 8, 1981; and

WHEREAS, Mrs. Andreasen was an active and vital member of her church; and

WHEREAS, Mrs. Andreasen loved music and found her greatest joy in entertaining friends and family with piano arrangements; and

WHEREAS, Mrs. Andreasen is succeeded by four daughters and one son, including Senator Marge Higgins.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extend its sympathy to the survivors of Cecelia Andreasen.
2. That the Legislature wishes to recognize the valuable contribution made to her church and community.
3. That a copy of this resolution be sent to the family of Cecelia Andreasen.

Laid over.

LEGISLATIVE RESOLUTION 34.

Introduced by Marsh, 29th District.

WHEREAS, Elder William S. Lee is retiring after forty-four years of dedicated service to the Seventh-day Adventist Church; and

WHEREAS, for the past ten years Elder Lee has resided in Lincoln, Nebraska, serving during this time as Secretary of the Mid America Conference of Seventh-day Adventist; and

WHEREAS, in the words of his minister, Elder Lee is "truly a dedicated man, one whom God has used to bless His church through his continuous, consecrated ministry."

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature joins Elder Lee's friends and colleagues in commending him for his contributions to church and community and wishing Elder Lee many enjoyable and rewarding years in his well-deserved retirement.
2. That the Clerk of the Legislature send a copy of this resolution to Elder William S. Lee.

Laid over.

LEGISLATIVE RESOLUTION 35.

Introduced by Newell, 13th District; Fenger, 45th District.

WHEREAS, the Creighton University basketball team has completed another fine regular season of play, posting a winning record of 18 - 8; and

WHEREAS, the Bluejays recently swept the Missouri Valley Conference postseason tournament, boosting their record to 21 - 8 overall and earning a berth in the National Collegiate Athletic Association Division I basketball tournament; and

WHEREAS, all Nebraskans are justifiably proud of the excellence displayed by the Creighton University basketball team.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the players and coaches of the Creighton University basketball team for their accomplishments and extends its best wishes for their continued success in the NCAA tournament.

2. That the Clerk of the Legislature send a copy of this resolution to Coach Tom Apke and the members and coaching staff of the Bluejay basketball team.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 47
March 9, 1981

Dear Senator Warner:

In connection with your proposed amendments to LB 173, 87th Legislature, First Session (1981), which deals with the granting of conservation or preservation easements upon real estate, with certain conditions thereon, you have asked whether language in the bill conditioning such easements upon approval of the granting thereof by certain governmental bodies would be an unreasonable restraint upon alienation. You also inquire if your proposed amendments would remove the restraints, if any.

We are inclined to agree that the approval provision of subsection (2) of section 2 of the bill might be construed to be unreasonable restraint since no guidelines are provided, thus leaving discretion over granting or denying approval unrestricted. We feel that your proposed Amendment #1 is an improvement, since the last sentence thereof does provide some guidelines. We do feel, however, that the language of Amendment #1 would be even less subject to attack if the language of that last sentence read "that approval could be denied if the easement was inconsistent with the comprehensive plan for the area which had been officially adopted and was in force at the time of the conveyance." Also, the last clause "or as otherwise not in the public interest" should probably be deleted for the same reason.

Proposed Amendment #2, does away with the concept of approval altogether. It merely provides a "cooling off period" together with an opportunity to comment, which would not be binding on the parties to the conveyance. We are unable to see an unreasonable restraint upon alienation.

Your second question has to do with subsection (1) of section 3 of the bill, which allows all holders of such easements, except charitable corporations or trusts, to release such easements. Since charitable corporations are, or can be authorized by law to hold and convey property, it is thought that the singling out of charitable corporations or trusts as the only entities not having the power to release these easements raises the constitutional question of proper or improper classification, and would probably result in a finding of unconstitutionality. Your question is whether the removal of the language which singles them out would strengthen this section against possible attack, and we believe that it would.

Your remaining questions have to do with the tax consequences to the grantee or donee in the instrument creating the conservation or preservation easement. We are not at all sure that there would be consequences. A normal easement gives the grantee or owner of the dominant estate certain rights of use in and to real estate constituting the subservient estate. The conservation and preservation easements contemplated in LB 173 are, rather, negative easements or restrictions on use. We do not see any use of a subservient estate by the grantee of the easement, but only a restriction upon the use of the land by its owner, the grantor. Thus, if the instrument creating the easement does not create a use or right of use of the grantee, it would appear to be a moot point to discuss whether that which is created by the instrument is used exclusively for educational, religious, charitable, or cemetery purposes.

Most of such negative restrictive easements have been acquired by governmental agencies, with the question of tax consequences to the grantee not arising. We do believe, however, that an analogy may be drawn between such negative restrictive easements and restrictive covenants.

Restrictive covenants are limitations placed upon the use of real estate by the grantor when real estate is conveyed away. These negative restrictive easements are, on the other hand, conveyed away by the owner of the property.

Despite the difference in the mechanics of creating the restrictions, we believe the effect of both types of transactions is the same. And we know of no instance of a grantor placing restrictive covenants upon property he is selling having been held to have to pay property tax upon the restrictions, unless they specifically benefit some other land.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Warren D. Lichty, Jr.
Assistant Attorney General

WDL/ta
cc: Patrick O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 479. Placed on General File as amended. Standing Committee amendment to LB 479:

1. On page 2, strike beginning with "In" in line 13 through "Commissioner" in line 14 and insert "At any time, after an examination has been conducted of the county books and records by the Department of Revenue, and when it is apparent"; in line 14 strike "any" and insert "the"; and after line 20 insert "The values resulting from such corrective measures shall be placed upon the assessment rolls and used as a basis for taxation for the next regular assessment. Each property owner shall be notified of the valuations to be used, in the manner required by section 77-1315, and individual protests may be taken from such valuations in the manner prescribed by section 77-1502.".

(Signed) Calvin F. Carsten, Chairperson

SELECT FILE

LEGISLATIVE BILL 205. Advanced to E & R for Engrossment with 27 ayes, 4 nays, 16 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 56. Title read. Considered.

Standing Committee amendments, Req. #2130, found in the Journal on page 776 for the Thirty-Eighth Day were considered.

Mr. Cullan offered the following amendments to the Standing Committee amendments:

1. On page 4, line 7, strike "withdrawl" and insert "withdrawal".
2. On page 5, lines 11, 15 & 17, strike "permitholder" and insert "permit holder".
3. On page 5, line 21, after "to" insert "sections 1 to 16 of".

The amendments were adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Kremer offered the following amendments to the Standing Committee amendments:

1. In Sec. 3, page 1, line 16, strike "five" and insert "three".
2. In Sec. 17, page 8, line 8, strike "five" and insert "three"; in line 9, strike "two" and

insert "one"; and in line 11, strike "one thousand" and insert "seven hundred and fifty".

The amendments were adopted with 22 ayes, 0 nays, 25 present and not voting, and 2 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendment:

adding the word "reasonably" after the word "meet" on line 9 of page 4.

The amendment was adopted with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Standing Committee amendments, as amended, were adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 313. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 84. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 47. Title read. Considered.

Standing Committee amendments found in the Journal on page 641 for the Thirtieth Day were considered.

Mr. Rumery renewed his pending amendment found in the Journal on page 807 to the Standing Committee amendments.

The amendment was adopted with 19 ayes, 1 nay, 27 present and not voting, and 2 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to have his name added to LR 21. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Name

Mr. DeCamp asked unanimous consent to withdraw his name as co-introducer from LB 432. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Nichol asked unanimous consent to have his name added to LB 129. No objections. So ordered.

Mr. Remmers asked unanimous consent to have his name added to LB 132. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Messrs. Clark and Warner asked unanimous consent to print the following amendment to LB 133 in the Journal. No objections. So ordered.

Amend LB 133, Page 2, Section 1, Line 19 through 21 by striking after the word "maintain" ~~commencing (i) in 1981 not more than three detached auxiliary offices, (ii) in 1982 not more than four detached auxiliary offices and (iii) in 1983~~. In Line 22 strike the word "~~five~~" and insert the word "three".

Messrs. Vickers, Dworak, Goll, Sieck, Warner, L. Johnson, Carsten, Clark, Haberman, and Koch asked unanimous consent to print the following amendments to LB 245 in the Journal. No objections. So ordered.

Req. #2057

1. Strike original sections 1 to 3.
2. Insert new sections to read:

"Section 1. That section 85-180.06, Revised Statutes Supplement, 1980, be amended to read as follows:

85-180.06. Sections 85-180.01 to 85-180.06 shall become operative only upon approval of the conditions set forth in sections 85-180.01 to 85-180.06 by the legislatures of three of the five states listed in section 85-180.01 and shall be binding upon the State of Nebraska only if it is fully complied with by such participating states. The provisions of sections 85-180.01 to 85-180.06 shall cease to exist as of January 1, 1983, if by that time the conditions set forth in sections 85-180.01 to 85-180.06 have not been met.

Sec. 2. If the required approval of the conditions set forth in sections 85-180.01 to 85-180.06 has not been received prior to January 1, 1983, the University of Nebraska is hereby directed to enter, after that date, into negotiations with an existing college of veterinary medicine concerning the establishment of a regional agreement providing veterinary education and research for the respective states. Such agreement shall:

(1) Contain provisions for establishing teaching clinics in Nebraska at sites at North Platte and Lincoln utilizing to the greatest extent possible existing facilities and equipment at those sites; and

(2) Provide that the first three years of veterinary education be conducted at the already existing college of veterinary medicine campus, with Nebraska sharing facilities with such college for the fourth year program.

Sec. 3. That original section 85-180.06, Revised Statutes Supplement, 1980, is repealed.".

ANNOUNCEMENT

Mr. Maresh announced the Business and Labor Committee will meet in executive session Thursday, March 12, 1981 at 1:00 p.m. in room 1019.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 349. Placed on General File.

(Signed) John W. DeCamp, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 22A. By Landis, 46th District.
This bill introduced on behalf of: LB 22.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 22, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 168A. By Carsten, 2nd District.
This bill introduced on behalf of: LB 168.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 168, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 258A. By Hefner, 19th District.
This bill introduced on behalf of: LB 258.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 258, Eighty-seventh Legislature, First Session, 1981.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE RESOLUTION 12. Reports the same back to the Legislature with the recommendation that it be considered by the Legislature.

(Signed) John W. DeCamp, Chairperson

MOTION - Print in Journal

Messrs. Clark and Warner moved to place LB 133 on General File notwithstanding the action of the Banking, Commerce and Insurance Committee.

Laid over.

ANNOUNCEMENTS

Senator Goodrich designates LB 3 as his priority bill.

Senator Labedz designates LB 466 as her priority bill.

The Constitutional Revision and Recreation Committee designates LB 138 as their priority bill.

The Constitutional Revision and Recreation Committee designates LB 531 as their priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 17 in the Journal. No objections. So ordered.

Amendments to Committee Amendments to LB 17

1. In the committee amendments in amendment 1 in the second line strike "seven" and insert "ten".

VISITORS

Visitors to the Chamber were 21 Student Council members and teacher from Omaha Bryan; and Mr. Maresh's daughter Janet DeFlyer, and grandaughters Erika and Elizabeth from Grand Forks, North Dakota.

ADJOURNMENT

At 12:09 p.m., on a motion by Mr. Maresh, the Legislature adjourned until 9:00 a.m., Thursday, March 12, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 12, 1981

LEGISLATIVE JOURNAL

FORTY-SECOND DAY - MARCH 12, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 12, 1981

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Tom Huxtable, Minister of Eastridge Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

Mr. Dworak requested a record vote.

Barrett
Beutler
Chronister
Clark
DeCamp
Dworak
Fenger
Goll
Goodrich
Hefner
Johnson, L.
Kahle
Koch
Lamb
Maresh
Marvel
Peterson, H.
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wiitala

Mrs. Higgins and Mr. Carsten were excused; and Miss Kilgarin, Mesdames Labedz, Marsh, Pirsch, Messrs. Beyer, Burrows, Chambers, Cope, Cullan, Fitzgerald, Fowler, Haberman, Hoagland, V. Johnson, Kremer, Landis, Newell, Nichol, R. Peterson, Stoney, Warner, and Wesely were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-First Day was approved.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 51, 150, 195, 272, 409, and 154.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 190. Placed on Select File as amended.
E & R amendments to LB 190:

1. On page 3, insert an underscored comma after "1982" in line 7, "1981" in line 10, and "1983" in line 13; and in line 22 strike "(4)" and insert "(3)".

2. In the title, line 2, insert "section 18-623, Reissue Revised Statutes of Nebraska, 1943, and" after "amend"; and strike lines 4 to 8 and insert "railroads; to restrict municipal powers; to change a method of taxation; to provide an operative".

LEGISLATIVE BILL 220. Placed on Select File.

LEGISLATIVE BILL 151. Placed on Select File as amended.
E & R amendments to LB 151:

1. In committee amendment 1, strike "11" and insert "12".

2. On page 6, line 7, strike the first comma and insert "and".

3. In the title, strike beginning with "to" in line 2 through the comma in line 4; in line 8 insert "and" after the semicolon; and strike line 9 and insert "duties.".

LEGISLATIVE BILL 179. Placed on Select File as amended.
E & R amendments to LB 179:

1. On page 3, line 26, strike the comma.

2. In the title, line 6, strike "23-927.01," and at the end of the line insert "76-624,".

LEGISLATIVE BILL 204. Placed on Select File as amended.
E & R amendments to LB 204:

1. In lieu of the Wagner amendment, strike the sentence commencing on page 242, line 25, and insert "Mileage shall be computed at the rate provided in section 84-306.03 for state employees.".

2. In the title, page 1, lines 3 and 4, strike "subdivision (3)(a) of section"; and in line 8 strike "24-327" and insert "24-326".

3. In the title, page 2, strike line 6 and insert "71-1,132.12,"; and strike line 8 and insert "71-1524, 71-1565,".

4. In the title, page 3, strike line 5 and insert "81-822,".

LEGISLATIVE BILL 204A. Placed on Select File.

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 104 and 205.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 104

The following changes, required to be reported for publication in the Journal, have been made:

In the Final Reading blue copy an underscored period has been inserted after "blend" in line 13, the matter stricken by the Beutler specific amendment has been shown stricken, and the period on page 3, line 18 has been stricken and shown stricken.

Enrollment and Review Changes to LB 205

The following changes, required to be reported for publication in the Journal, have been made:

The first Beutler amendment has been inserted after the period in line 18; and in the Beutler amendments, page 1, line 14, the comma has been stricken; on page 2, line 4, the second comma has been stricken and an underscored comma has been inserted after "persons"; and, there being no "to" on page 4, line 25 or even in the subdivision, that part of amendment 3 directing that it be stricken has been ignored; and "to provide subpoena and examination powers;" has been inserted after the semicolon in line 6 of the title.

(Signed) Emory P. Burnett
E & R Attorney

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 403. Placed on General File as amended.
Standing Committee amendments to LB 403:

1. On page 6, line 21, after the underscored semicolon insert "or"; and strike beginning with "Negligently" in line 22 through the comma in line 25 and insert "Inducing or attempting to induce a person to transfer an interest in real property whether or not for monetary gain, or discouraging another person from purchasing real property, by representing".
2. On page 7, line 6, strike "; or" and insert "."; and strike lines 7 through 10.

(Signed) John W. DeCamp, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 282. Indefinitely postponed.
LEGISLATIVE BILL 315. Indefinitely postponed.
LEGISLATIVE BILL 445. Indefinitely postponed.
LEGISLATIVE BILL 526. Indefinitely postponed.
LEGISLATIVE BILL 530. Indefinitely postponed.

(Signed) Martin Kahle, Chairperson

REPORT

Received annual report from Nebraska Public Transportation, Department of Roads.

RESOLUTIONS

LEGISLATIVE RESOLUTION 33. Read. Considered.

LR 33 was adopted with 33 ayes, 0 nays, and 16 not voting.

LEGISLATIVE RESOLUTION 34. Read. Considered.

LR 34 was adopted with 35 ayes, 0 nays, and 14 not voting.

ANNOUNCEMENTS

Mr. Remmers designates LB 132 as his priority bill.

Mr. Stoney designates LB 311 as his priority bill.

Mr. Wagner designates LB 486 as his priority bill.

Mr. Beutler designates LB 252 as his priority bill.

Miss Kilgarin designates LB 512 as her priority bill.

Mr. Fenger designates LB 303 as his priority bill.

Mr. Wiitala designates LB 248 as his priority bill.

Mr. Von Minden designates LB 291 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB 376 as their priority bill.

The Banking, Commerce and Insurance Committee designates LB 257 as their priority bill.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 55.

A BILL FOR AN ACT to amend section 42-108, Reissue Revised Statutes of Nebraska, 1943, relating to marriage; to authorize retired judges to perform ceremonies; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Clark
Schmit

Excused and not voting, 4:

Carsten
Fowler
Higgins
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ANNOUNCEMENT

Speaker Marvel announced that today is Miss Kilgarin's and Mr. Nichol's birthdays.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 114.

A BILL FOR AN ACT to amend section 46-261, Revised Statutes Supplement, 1980, relating to irrigation; to provide for furnishing of information upon order of the Department of Water Resources; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Schmit
Vickers

Excused and not voting, 3:

Carsten
Higgins
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 128.

A BILL FOR AN ACT to amend section 79-1528, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to retirement system payments; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 2:

Carsten
Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 217.

A BILL FOR AN ACT to amend section 53-179, Revised Statutes Supplement, 1980, relating to liquors; to allow the sale of liquor on election days; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 27:

Beutler
Chronister
Clark
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Koch
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Remmers
Schmit
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 20:

Barrett
Beyer
Burrows
Chambers
Cope
Cullan
Haberman
Kahle
Kilgarin
Kremer
Lamb
Maresh
Marvel
Peterson, R.
Pirsch
Rumery
Sieck
Stoney
Vickers
Wesely

Excused and not voting, 2:

Carsten
Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 246.

A BILL FOR AN ACT to amend sections 46-602 and 46-651, Revised Statutes Supplement, 1980, relating to ground water; to change provisions for the registration of certain wells; to provide severability; and to repeal the original sections, and also section 46-652, Revised Statutes Supplement, 1980.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 2:

Carsten
Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 279.

A BILL FOR AN ACT to amend section 48-648, Reissue Revised Statutes of Nebraska, 1943, relating to unemployment security; to provide for payment from two or more employers of an individual as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 2:

Carsten
Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 388.

A BILL FOR AN ACT to amend section 2-3252, Reissue Revised Statutes of Nebraska, 1943, relating to natural resources districts; to change provisions relating to special improvement project areas; to provide for issuance of bonds for such projects; to provide for a sinking fund; to provide procedures related to awarding contracts; to provide a hearing for special assessments; to provide for foreclosure of a lien for delinquent payments; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 2:

Carsten
Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 434.

A BILL FOR AN ACT to amend sections 18-117 and 18-119, Reissue Revised Statutes of Nebraska, 1943, relating to ordinances; to provide exceptions to the initiative and referendum powers; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck

Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 2:

Carsten
Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 462.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2310, 24-705, 24-710, and 60-444, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2317 and 60-452.01, Revised Statutes Supplement, 1980; to limit additions to certain accounts; to change provisions relating to benefits; to change provisions relating to annuities; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Clark

Excused and not voting, 2:

Carsten Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Print in Journal

Mr. Haberman moved that LB 63 be placed on General File notwithstanding the action of the committee. (Rule 3 §16)

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Miss Kilgarin asked unanimous consent to have her name added to LB 512. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

March 12, 1981

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council, requiring legislative confirmation:

Ted Regier, Chairman Hamilton County Board, R.R. 3, Aurora 68818, term expiring June 22, 1983, succeeding Ed Narjes, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Ted Regier
Environmental Control Council

March 12, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 54 was received in my office on March 11, 1981.

This bill was signed by me on March 11, 1981 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 139. Placed on General File as amended.
Standing Committee amendment to LB 139:

1. Strike original section 8 and insert the following new section:

"Sec. 8. A prepaid dental service corporation shall deposit with the director a surety bond to assure the faithful performance of the corporation's obligations under its prepaid dental service plan. The penal sum of the bond shall be based on the number of participants in such plan and shall be not less than (1) twenty-five thousand dollars if there are five hundred participants or less, and (2) fifty thousand dollars if there are more than five hundred but less than one thousand participants, and an additional twenty-five thousand dollars for each five hundred or fewer participants in excess of one thousand participants. The bond shall be issued by an insurance company authorized to do business in the State of Nebraska. No such bond shall be canceled or subject to cancellation unless at least thirty days' advance notice thereof, in writing, is filed with the director.".

(Signed) John W. DeCamp, Chairperson

GENERAL FILE

LEGISLATIVE BILL 290. Title read. Considered.

Standing Committee amendments found in the Journal on page 721 for the Thirty-Fifth Day were considered.

Mr. DeCamp offered the following amendments to the Standing Committee amendments:

1. Strike beginning with "line" on page 1, line 1 through the semicolon in line 3 and insert "line 17 after 'brightness' insert 'of at least four and five-tenths candle power per plate';".

2. On page 1, line 4 strike "under normal" and insert "at"; in line 5 strike "atmospheric" and insert ", under wet or dry", and after "conditions" insert an underscored comma; strike beginning with "five" in line 6 through "Vehicles" in line 7 and insert "eight hundred feet when illuminated by lawful low beam headlights"; in line 7 after the semicolon insert "strike beginning with 'plates' in line 20 through line 22 and insert 'reflectorized plates. The Director of Motor Vehicles shall negotiate and enter into a contract to provide license plates in conformance with specifications provided in this section. If the Director of Motor Vehicles determines that the license plates fail to meet the quality or performance proposed to be supplied pursuant to such contract, the supplier shall be subject to payment of liquidated damages equal to the actual cost of the license plates. Any person aggrieved by any action of the director may obtain a review by appeal as provided by Chapter 84, article 9.';".

EASE

The Legislature was at ease from 10:14 a.m., until 10:17 a.m.

GENERAL FILE

LEGISLATIVE BILL 290. Mr. DeCamp asked unanimous consent to withdraw his amendments to the Standing Committee amendments at this time. No objections. So ordered.

The Standing Committee amendments were adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Mr. DeCamp reoffered his amendments found in this day's Journal.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The DeCamp amendment lost with 13 ayes, 23 nays, 11 present and not voting, and 2 excused and not voting.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Advanced to E & R for Review with 27 ayes, 7 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 138. Title read. Considered.

Mr. Wesely offered the following amendment:
Strike on Page 2, line 1 "general" and insert primary and strike "November" on Page 2, line 2 and insert "May".

Messrs. Fowler and R. Peterson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Wesely amendment prevailed with 27 ayes, 4 nays, 14 present and not voting, and 4 excused and not voting.

Messrs. Fitzgerald and Nichol asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for Review with 25 ayes, 14 nays, 4 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 113A. By DeCamp, 40th District.
This bill introduced on behalf of: LB 113.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 113, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 284A. By DeCamp, 40th District.
This bill introduced on behalf of: LB 284.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 284, Eighty-seventh Legislature, First Session, 1981; to lapse an appropriation; and to declare an emergency.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 12, 1981, at 11:15 a.m., were the following bills: 51, 150, 195, 272, 409, and 154.

(Signed) Hazel Kaltenberger, Enrolling Clerk

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 63. Indefinitely postponed.

(Signed) Jerry Koch, Chairperson

Public Works

LEGISLATIVE BILL 229. Placed on General File.

LEGISLATIVE BILL 94. Placed on General File as amended.
Standing Committee amendments to LB 94:

1. On page 3, lines 6 and 7, strike the new matter; in line 8 after "area" insert "or, if a control area has been established in the requesting district, to require that a contiguous portion of another district should be designated as a control area"; in line 14 after "designate" insert "a contiguous portion of another district as"; in line 15 strike "in an adjoining district" and insert "area"; in line 18 strike "the adjoining" and insert "such contiguous portion of the other"; and strike beginning with "listed" in line 22 through "section" in line 23 and insert "for which a control area was established in the requesting district".

2. On page 5, line 25, after the period insert "This subdivision shall not apply to a control area

designation of contiguous area identified in a request submitted by a district in which a control area has been established.".

(Signed) Maurice Kremer, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 421. Placed on General File as amended.
Standing Committee amendments to LB 421:

1. On page 2, lines 3, 9, 13, 16, and 21, strike "Nebraska" and insert "Uniform"; in line 4, strike "71-1,197" and insert "71-1,167"; in lines 15, 18, 19, 22, 24, and 27, strike "person" and insert "insurer"; and in line 23 strike "his or her" and insert "the" and after "identity" insert "of any person involved in such violation".

2. On page 3, line 6, strike "(1)"; in line 7 strike the first comma and insert a period; strike beginning with "or" in line 7 through the period in line 10; in line 18 strike "Nebraska" and insert "Uniform"; and in line 19 strike "person" and insert "insurer".

3. Strike original section 6.

4. Renumber original sections 7 to 9 as sections 6 to 8 respectively.

(Signed) John W. DeCamp, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 261. Placed on General File as amended.
Standing Committee amendment to LB 261:

1. On page 2, line 11, after the underscored period insert: "The department shall consider the special needs of recipients in the following areas: (1) Medical, including special medically-related diets; (2) transportation; (3) household furniture and appliances; (4) moving expenses; (5) expenses of maintaining a seeing eye dog; and (6) necessity of payments of delinquent property taxes on a residence to avoid its foreclosure. The department may consider other special needs on an individual case basis.".

LEGISLATIVE BILL 466. Placed on General File as amended.
Standing Committee amendments to LB 466:

Req. #2153

1. Insert the following new section:

"Sec. 2. That section 71-2017.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2017.01. As used in sections 71-2017 to 71-2029, unless the context otherwise requires:

(1) Care shall mean the exercise of concern or responsibility for the comfort and welfare of the residents of a facility by the owner, occupant, administrator, or operator of the facility in addition to the provision of food and shelter to the residents and shall include, but not be limited to, the maintenance of a minimum amount of supervision of the activities of the residents of the facility as well as the providing of a minimum amount of assistance to the residents, and shall also include personal care, hereby defined as the provision of health-related services for individuals who are in need of a protective environment but who are otherwise able to manage the normal activities of daily living.

(2) Hospital shall mean any institution, facility, place, building, or agency which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or medical care over a period exceeding twenty-four consecutive hours or two or more nonrelated individuals suffering from illness, condition, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four consecutive hours of obstetrical or other medical care for two or more nonrelated individuals, or any institution, facility, place, building, or agency in which any accommodation is primarily maintained, furnished, or offered for the medical and nursing care over a period exceeding twenty-four consecutive hours of two or more nonrelated aged or infirm persons requiring or receiving convalescent care, and shall include but not be restricted to facilities or parts of facilities which provide space for general acute hospitals, osteopathic hospitals, convalescent hospitals, rehabilitation hospitals, long-term care hospitals, psychiatric or mental hospitals, tuberculosis hospitals, emergency hospitals or treatment centers, and infirmaries, and shall not be construed to include the residence, office, or clinic of a private physician or of an association of physicians, of any other health practitioner, or of any practitioner or association of practitioners licensed pursuant to the provisions of Chapter 71, in which residence, office, or clinic patients are not treated or given care for a period in excess of twenty-four consecutive hours;

(3) Maternity home shall mean any institution, facility, place, building, or agency which cares for

maternity patients primarily or exclusively;

(4) Health clinic shall mean any institution, facility, place, building, or agency which operates under the name or title of health clinic, health center, or any other word or phrase of like or similar import, either independently or in connection with any other purpose, for the purpose of providing or making available at such institution, facility, place, building, or agency on an outpatient basis and for a period not exceeding twenty-four consecutive hours advice, counseling, diagnosis, treatment, care, or services relating to the preservation or maintenance of health primarily or exclusively to persons not residing or confined in such institution, facility, place, or building, and which is not licensed as a hospital. Specific types or categories of health clinics may be further defined by appropriate regulation of the Department of Health not inconsistent with this definition, and in no case shall be construed to include the residence, office, or clinic of a private physician or of an association of physicians, of any other health practitioner or association of practitioners, or of any practitioner licensed pursuant to the provisions of Chapter 71 unless ten or more abortions, as defined in subdivision (1) of section 28-326, per week are performed in such residence, office, or clinic;

(5) Skilled nursing facility shall mean any institution, facility, place, building, or agency which provides for a period exceeding twenty-four consecutive hours accommodation, board, and the skilled nursing facility services and other health care services necessary for certification as a skilled nursing facility under Title XVIII of the United States Social Security Act, Title 42, United States Code, sections 1395 to 139511, as amended as of July 1, 1973, to individuals not related to the administrator or owner thereof within the third degree of consanguinity;

(6) Intermediate care facility one shall mean any institution, facility, place, building, or agency providing accommodation and board for a period exceeding twenty-four consecutive hours and also nursing care and related medical services for two or more nonrelated individuals who are ill, injured, or disabled but not in need of hospital care, but who, by reason of age, illness, disease, injury, deformity, disability, convalescence, or physical or mental infirmity require such nursing care;

(7) Intermediate care facility two shall mean any institution, facility, place, building, or agency which provides for a period exceeding twenty-four consecutive

hours accommodation, board, and care, but not nursing care, for two or more nonrelated individuals who are ill, injured, or disabled but not in need of hospital or nursing care, but who, by reason of age, illness, disease, injury, deformity, disability, convalescence, or physical or mental infirmity need care and need assistance in taking their medication;

(8) Custodial foster home shall mean any institution, facility, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, personal care, and personal assistance in feeding, dressing, and other essential daily living activities to five or more nonrelated individuals who by reason of age, illness, disease, injury, deformity, disability, or physical or mental infirmity are unable to sufficiently or properly care for themselves or manage their own affairs, but who are capable of administering their own medication and do not require the daily services of a licensed registered or practical nurse;

(9) Boarding home for the aged shall mean any institution, facility, place, building, or agency, including any private dwelling, providing for a period exceeding twenty-four consecutive hours accommodation and board, but not necessarily meals, to five or more individuals sixty-two years or more of age, not related to the owner, occupant, manager, or administrator thereof, who constitute no less than sixty percent of the total number of residents of the facility, not including management personnel and employees of the home, and who solely by reason of age are unable to care for themselves in exactly the same manner as in prior years, but who are essentially capable of managing their own affairs and are capable of administering their own medication and do not require personal assistance in feeding, dressing, ambulation, or other essential daily living activities or any type of nursing care or other care within the confines of the facility;

(10) Mental health center shall mean any institution, facility, place, building, or agency which provides, for a period exceeding twenty-four consecutive hours, accommodation, board, and advice, counseling, diagnosis, treatment, care, or services primarily or exclusively to persons residing or confined in the facility who are afflicted with a mental disease, disorder, or disability, and which is not licensed as a hospital;

(11) Center for the developmentally disabled shall mean any residential facility, place, building, or agency, not licensed as a hospital, which provides

accommodation, board, and training, advice, counseling, diagnosis, treatment, care, including medical care when appropriate, or services primarily or exclusively to five or more persons residing in the facility who are developmentally disabled, which term shall include those persons suffering from mental retardation, cerebral palsy, epilepsy, or other neurological handicapping conditions which require care similar to the care required for persons suffering from such aforementioned conditions;

(12) Alcoholic treatment center shall mean any institution, facility, place, building, or agency, not licensed as a hospital, including any private dwelling, which provides residential care, treatment, services, maintenance, accommodation, or board, or any of them, in a group setting primarily or exclusively for individuals having any type of habituation, dependency, or addiction to the use of alcohol and provides guidance, supervision, and personal services relating to those areas of adjustment which enable the alcohol dependent or alcoholic to move into independent living in normal surroundings, but which does not provide those services that can be rendered only by a physician or within the confines of a hospital, and which does not provide a permanent residence but only a temporary one, and shall include facilities providing nonresidential programs and services primarily or exclusively to nonresidents of the facility having any type of habituation, dependency, or addiction to the use of alcohol, and specific types or categories of alcoholic treatment centers may be further defined by appropriate regulation of the Department of Health not inconsistent with this definition; and

(13) Drug treatment center shall mean any institution, facility, place, building, or agency, not licensed as a hospital, including any private dwelling, which provides residential care, treatment, services, maintenance, accommodation, or board, or any of them, in a group setting primarily or exclusively for individuals who have any type of habituation, dependency, or addiction to the use of any kind of controlled substance, narcotic drug, or other type of drug and provides guidance, supervision, and personal services relating to those areas of adjustment which enable the drug user, dependent, or addict to move into independent living in normal surroundings, but which does not provide those services that can be rendered only by a physician or within the confines of a hospital, and which does not provide a permanent residence but only a temporary one, and shall include facilities providing nonresidential programs and services primarily or exclusively to

nonresidents of the facility having any type of habituation, dependency, or addiction to the use of any kind of controlled substance, narcotic drug, or other type of drug, and specific types or categories of drug treatment centers may be further defined by appropriate regulation of the Department of Health not inconsistent with this definition.”.

2. On page 3, strike beginning with “departing” in line 1 through “consent” in line 6 and insert “the performance by a physician of an abortion, as defined in subdivision (1) of section 28-326, under circumstances when he or she will not be available for a period of at least forty-eight hours for post-operative care unless such post-operative care is delegated to and accepted by another physician”; in line 7 after “section” insert “71-2017.01, Reissue Revised Statutes of Nebraska, 1943, and section”; and in line 8 strike “is” and insert “are”.

3. Renumber original section 2 as section 3.

(Signed) Samuel K. Cullan, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Nichol asked unanimous consent to print the following amendment to LB 74 in the Journal. No objections. So ordered.

1. In lieu of the Nichol amendment adopted 3/5, on page 2, line 8, strike the new matter and reinstate the stricken matter; strike section 2; and on page 3, line 22, strike “sections” and insert “section”, in line 23 strike “and 37-1105.01” and after “1980” insert “, and also section 37-1105.01, Revised Statutes Supplement, 1980”.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

Governor's Appointment
Ralph Kelly - March 23, 1981 1:00 p.m.
State Investment Council

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 190 in the Journal. No objections. So ordered.

1. On page 4, line 15, after “sections” insert “18-602,”.

UNANIMOUS CONSENT - Member Excused

Miss Kilgarin asked unanimous consent to be excused Friday, March 13, 1981. No objections. So ordered.

ANNOUNCEMENTS

The Public Works Committee designates LB 146 as their priority bill.

The Public Works Committee designates LB 375 as their priority bill.

The Education Committee designates LB 317 as their priority bill.

The Education Committee designates LB 318 as their priority bill.

Mr. Burrows designates LB 184 as his priority bill.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 426. Placed on General File as amended. Standing Committee anendments to LB 426:

1. On page 9, line 8, strike "next" and insert "net".

2. On page 10, line 10, strike "in" and insert "on".

3. On page 11, line 4, strike the first "the" and insert "than"; and strike beginning with "44-407.09" in line 14 through "Insurance" in line 15 and insert "11 of this act".

4. On page 12, lines 10 and 23, strike "in" and insert "on"; and in line 25 strike "consideration" and insert "considerations".

5. On page 13, line 2, strike the first "in" and insert "on".

6. On page 14, lines 6 and 16, before "adjustment" insert "an".

7. On page 15, line 19, after the second "the" insert "reference"; and strike beginning with "of" in line 20 through "use" in line 22 and insert "as defined in this subdivision".

8. On page 16, line 1, after "purchase" insert an underscored comma, and after the first "the" insert "reference"; strike beginning with the final "of" in line 1 through "use" in line 4 and insert "as defined in this subdivision"; in line 11 after the first "the" insert "reference"; strike beginning with the final "of" in line 11 through "use" in line 14 and insert "as defined in this subdivision"; in line 20

after "the" insert "reference"; strike beginning with the second "of" in line 20 through "use" in line 22 and insert "as defined in this subdivision"; and in line 27 after the first "the" insert "reference", and strike "of the composite yield" and insert "as defined in this subdivision".

9. On page 17, strike beginning with "on" in line 1 through "use" in line 3; in line 8 after the final "the" insert "reference"; and strike beginning with "of" in line 9 through the comma in line 23 and insert "as defined in this subdivision.

The reference monthly average referred to in this subdivision shall mean a monthly bond yield average which is published by a national financial statistical organization, recognized by the National Association of Insurance Commissioners, in current general use in the insurance industry, and designated by the Director of Insurance. In the event that the National Association of Insurance Commissioners determines that an alternative method for determination of the reference interest rate is necessary, an alternative method".

10. On page 19, line 17, strike "section 44-407.04" and insert "subdivision (h) of this section"; in lines 18 and 19 strike "that section," and insert "the preceding paragraph, and the reserve as of such policy anniversary calculated as described in the preceding paragraph"; and strike beginning with "value" in line 19 through "section" in line 20 and insert "net level annual premium calculated as described in the preceding paragraph".

11. On page 20, line 2, strike "(b)" and insert "(a)".

12. On page 22, line 5, strike "(c),".

13. On page 23, line 18, strike "section" and insert "subdivision".

14. On page 37, after line 6 insert the following:

"For purposes of determining the applicability of sections 44-407 to 44-407.09 and sections 11 to 13 of this act, the age of expiry for a joint term life insurance policy shall be the age at expiry of the oldest life."

15. On page 44, line 26, strike the underscored comma.

16. On page 45, lines 8 and 9, strike "subsection (2) of this section" and insert "section 44-407.01".

17. On page 47, line 6, strike "provision" and insert "provisions"; and in lines 18 and 24 strike

"44-407.02" and insert "44-407.01".

18. On page 48, line 18, after "issued" insert "on or".

19. On page 49, line 14, after "44-407.02" insert "or 44-407.04, whichever is applicable"; in line 15 after "44-407.02" insert "or 44-407.04, whichever is applicable,"; in line 19 after "in" insert "section 44-407.04 or"; and in line 20 after "act" insert ", whichever is applicable".

20. On page 50, line 10, after "in" insert "section 44-407.04 or", and after the second comma insert "whichever is applicable,".

(Signed) John W. DeCamp, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 281. Placed on General File.
LEGISLATIVE BILL 351. Placed on General File.
LEGISLATIVE BILL 418. Placed on General File.

LEGISLATIVE BILL 106. Indefinitely postponed.
LEGISLATIVE BILL 225. Indefinitely postponed.

(Signed) Martin Kahle, Chairperson

ANNOUNCEMENT

Mr. Schmit announced the Agriculture and Environment Committee will meet in executive session Friday, March 13, 1981, at 8:00 a.m., in room 1520.

UNANIMOUS CONSENT - Member Excused

Mr. V. Johnson asked unanimous consent to be excused Friday, March 13, 1981. No objections. So ordered.

VISITORS

Visitors to the Chamber were 36 fourth grade students and teachers from Geneva; former Senator Rudy Kokes and Henry Lange from Ord; Todd Russ from Auburn; Senator R. Peterson's daughter, Sandy; 49 students and teachers from Rockbrook School, Omaha; 20 seniors and teacher from Bryan High School, Omaha; Senator Rumery's grandson, Brian Phares, from North Platte; and Scott Koch.

ADJOURNMENT

At 12:08 p.m., on a motion by Mr. Rumery, the Legislature adjourned until 9:00 a.m., Friday, March 13, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 13, 1981

LEGISLATIVE JOURNAL

FORTY-THIRD DAY - MARCH 13, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 13, 1981

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Larry Spader, Central Alliance Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Miss Kilgarin and Mr. V. Johnson who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Second Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 56. Placed on Select File as amended.
E & R amendments to LB 56:

1. In the last line of the Kremer amendment, strike "and".
2. In the title, line 3, insert "; to amend section 33-105, Revised Statutes Supplement, 1980; to provide fees; and to repeal the original section" after "Act".

LEGISLATIVE BILL 313. Placed on Select File.
LEGISLATIVE BILL 84. Placed on Select File.

LEGISLATIVE BILL 47. Placed on Select File as amended.
E & R amendments to LB 47:

1. On page 2, line 19, strike "the officer"; and in line 25 strike "the provisions of".
2. In committee amendments, line 11, strike ", and"

and insert "and,".

(Signed) Karen Kilgarin, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolutions: LB's 55, 114, 128, 217, 246, 279, 388, 434, 462, LR 33 and LR 34.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 309. Placed on General File.
LEGISLATIVE BILL 427. Placed on General File.
LEGISLATIVE BILL 455. Placed on General File.
LEGISLATIVE BILL 472. Placed on General File.

LEGISLATIVE BILL 498. Placed on General File as amended. Standing Committee amendment to LB 498:

1. On page 3, line 3, after "provide" insert "or contract for the providing of"; in line 8 after "fund" insert an underscored period; strike beginning with "for" in line 8 through the period in line 10 and insert "All revenue and expenditures directly related to the transportation of school children and any other persons the school district may be authorized by law to transport shall be placed in or made from the special fund."; and in line 14 after the period insert "The State Department of Education shall adopt and promulgate rules and regulations governing the accounting of such funds.".

LEGISLATIVE BILL 13. Indefinitely postponed.
LEGISLATIVE BILL 254. Indefinitely postponed.
LEGISLATIVE BILL 391. Indefinitely postponed.

(Signed) Jerry D. Koch, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wagner asked unanimous consent to print the following amendment to LB 204A in the Journal. No objections. So ordered.

1. Strike original section 2.

STANDING COMMITTEE REPORT
Education

The Education Committee desires to report favorably to the members of the Nebraska Unicameral upon the Gubernatorial Appointments or Reappointments listed below which were present at a public hearing on March 3, 1981. The Education Committee suggests the appointments be confirmed by the Nebraska Legislature.

Nebraska Safety Center Advisory Council
Jim Preston
Don Cattle
Ivan Abdouch
Larry Morris

Coordinating Commission Postsecondary Education
Robert Berkshire

Board of Trustees of Nebraska State Colleges
Dave Martin
J. Alan Cramer
Carroll Thompson

Board of Educational Lands and Funds
Ed Narjes

Voting aye: Senators Koch, Beutler, Hoagland, Kremer, Vickers, Wiitala. Absent and not voting: Senators Goll and Lamb.

(Signed) Jerry D. Koch, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 76. Mr. Chambers asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 83. With Emergency.

A BILL FOR AN ACT to amend sections 28-502 and 28-503, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Criminal Code; to change provisions relating to arson as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Remmers
Warner

Excused and not voting, 2:

Johnson, V.
Kilgarin

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 136.

A BILL FOR AN ACT to amend sections 2-1213 and 2-1213.01, Revised Statutes Supplement, 1980, relating to the State Racing Commission; to eliminate an election provision relating to Sunday horse racing; to provide considerations in authorizing Sunday horse racing; to provide powers; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Beutler
Beyer
Chronister
Clark
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Newell
Nichol
Peterson, H.
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 14:

Barrett
Carsten
Chambers
Cope
Cullan
Haberman
Kahle
Kremer
Marvel
Peterson, R.
Pirsch
Stoney
Vickers
Wesely

Present and not voting, 1:

Burrows

Excused and not voting, 2:

Johnson, V.
Kilgarin

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 325.

A BILL FOR AN ACT to amend sections 46-657 and 46-659, Revised Statutes Supplement, 1980, relating to ground water; to define a term; to provide duties; to provide a penalty; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner

Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 2:

Johnson, V.
Kilgarin

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 354.

A BILL FOR AN ACT to amend sections 3-203 and 3-503, Reissue Revised Statutes of Nebraska, 1943, and section 3-504, Revised Statutes Supplement, 1980, relating to aeronautics; to restrict the use of eminent domain as prescribed; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 1:

Hoagland

Present and not voting, 2:

Peterson, R.
Wagner

Excused and not voting, 2:

Johnson, V.
Kilgarin

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 457.

A BILL FOR AN ACT to amend section 50-421, Reissue Revised Statutes of Nebraska, 1943, and section 50-422, Revised Statutes Supplement, 1980, relating to the Transportation Advisory Committee; to increase the membership; to provide additional duties; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 2:

Johnson, V.
Kilgarin

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER MARVEL PRESIDING

MOTION - Place LB 133 on General File

Messrs. Warner and Clark renewed their pending motion found in the Journal on page 870 to place LB 133 on General File notwithstanding the committee action.

PRESIDENT LUEDTKE PRESIDING

SPEAKER MARVEL PRESIDING

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Warner moved for a Call of the House. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 25:

Barrett
Beutler
Carsten
Chronister
Clark
Cope
Cullan
Dworak
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Lamb
Maresh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Wagner
Warner

Voting in the negative, 18:

Chambers
DeCamp
Fenger
Fitzgerald
Fowler
Goodrich
Hoagland
Koch
Labedz
Landis
Marsh
Newell
Pirsch
Schmit
Stoney
Vickers
Wesely
Wiitala

Present and not voting, 4:

Beyer
Burrows
Kremer
Von Minden

Excused and not voting, 2:

Johnson, V.
Kilgarin

The Warner - Clark motion lost with 25 ayes, 18 nays, 4 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 32A. By Vickers, 38th District.
This bill introduced on behalf of: LB 32.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 32, Eighty-seventh Legislature, First Session, 1981.

EXECUTIVE BOARD REPORT

A motion was adopted by the Legislative Council Executive Board at its March 13, 1981, meeting that all legislative employees be authorized to take as administrative leave April 20th and April 21st when the Legislature will be in recess. If the employee is required to work on those days, such employee will be allowed compensatory time for the hours worked.

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 36.

Introduced by Schmit, 23rd District; Chambers, 11th District; Nichol, 48th District; Chronister, 18th District; Wagner, 41st District; Remmers, 1st District; Goll, 16th District; Wiitala, 31st District; V. Johnson, 8th District; Kahle, 37th District; Burrows, 30th District; R. Peterson, 21st District; Haberman, 44th District; Maresh, 32nd District; Lamb, 43rd District; Kremer, 34th District; Kilgarin, 7th District; DeCamp, 40th District.

WHEREAS, Ron Kahle of Kearney, Nebraska, has been named Hog Farm Management magazine's 1981 Producer of Tomorrow and will be presented the award this month at the American Pork Congress in Kansas City; and

WHEREAS, the pork production industry is of vital importance to Nebraska's economy, to which Mr. Kahle has made significant contributions through his farming operation and his role as immediate past president of the Nebraska Pork Producers Association; and

WHEREAS, to the national recognition bestowed upon Mr. Kahle should be added the special recognition of the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Ron Kahle for his well-deserved award and wishes to extend its own commendation for his contributions to Nebraska's pork production industry.

2. That the Clerk of the Legislature send copies of this resolution to Ron Kahle and to his proud father, Senator Martin Kahle.

Laid over.

The Chair declared the Call raised.

SELECT FILE

LEGISLATIVE BILL 74. E & R amendment found in the Journal on page 816 for the Fortieth Day was adopted.

Mr. Nichol renewed his pending amendment found in the Journal on page 893.

Mr. Lamb offered the following amendment to the Nichol amendment:
Allow 1 duplicate.

Messrs. Sieck and Fitzgerald asked unanimous consent to be excused until they return. No objections. So ordered.

The Lamb amendment to the Nichol amendment lost with 5 ayes, 16 nays, 24 present and not voting, and 4 excused and not voting.

The Nichol amendment was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Mr. Chambers offered the following amendment to the Labedz amendment adopted on page 772:
Strike "two dollars" and insert "one dollar and fifty cents"

Mr. Wagner asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 20:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Clark
Cullan
Goll
Haberman
Hoagland
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Remmers
Stoney
Vickers

Voting in the negative, 25:

Carsten
Cope
DeCamp
Dworak
Fenger
Fowler
Goodrich
Hefner
Higgins
Johnson, L.
Kahle
Koch
Labedz
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Sieck
Von Minden
Warner
Wesely
Wiitala

Excused and not voting, 4:

Fitzgerald
Johnson, V.
Kilgarin
Wagner

The Chambers amendment lost with 20 ayes, 25 nays, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Lamb requested a machine vote to advance LB 74.

Mr. Chambers requested a record vote.

Voting in the affirmative, 25:

Beutler
Beyer
Carsten
Chronister
Cope
Cullan
Dworak
Fenger
Haberman
Higgins
Hoagland
Johnson, L.
Kahle
Koch
Labedz
Landis
Newell
Nichol
Peterson, H.
Pirsch
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 9:

Burrows
Chambers
Clark
Kremer
Lamb
Maresh
Marvel
Remmers
Stoney

Present and not voting, 11:

Barrett
DeCamp
Fowler
Goll
Goodrich
Hefner
Marsh
Peterson, R.
Rumery
Schmit
Von Minden

Excused and not voting, 4:

Fitzgerald Johnson, V. Kilgarin Wagner

Advanced to E & R for Engrossment with 25 ayes, 9 nays, 11 present and not voting, and 4 excused and not voting.

ANNOUNCEMENT

Mr. Carsten announced the Revenue Committee will meet in executive session, Tuesday, March 17, 1981 at 1:30 p.m., in room 1520.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 126. Placed on General File as amended.
Standing Committee amendments to LB 126:
Req. #2160

1. Strike the original sections and insert the following new sections:

"Section 1. That section 28-509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-509. As used in sections 28-509 to 28-518 and section 3 of this act, unless the context otherwise requires:

(1) Deprive shall mean:

(a) To withhold property of another permanently or for so extended a period as to appropriate a major portion of its economic value, or with intent to restore only upon payment of reward or other compensation; or

(b) To dispose of the property of another so as to create a substantial risk that the owner will not recover it in the condition it was when the actor obtained it;

(2) Financial institution shall mean a bank, insurance company, credit union, building and loan association, investment trust, or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment;

(3) Movable property shall mean property the location of which can be changed, including things growing on, affixed to, or found in land, and documents although the rights represented thereby may have no physical location. Immovable property shall mean all other property;

(4) Obtain shall mean:

(a) In relation to property, to bring about a transfer or purported transfer of a legal interest in the property, whether to the obtainer or another; or

(b) In relation to labor or service, to secure performance thereof;

(5) Property shall mean anything of value, including real estate, tangible and intangible personal property, contract rights, credit cards, charge plates, or any other instrument which purports to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer, choses in action and other interests in or claims to wealth, admission or transportation tickets, captured or domestic animals, food and drink, electric or other power;

(6) Property of another shall mean property in which any person other than the actor has an interest which the actor is not privileged to infringe, regardless of the fact that the actor also has an interest in the property and regardless of the fact that the other person might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in possession of the actor shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security agreement;

(7) Receiving shall mean acquiring possession, control or title, or lending on the security of the property; and

(8) Stolen shall mean property which has been the subject of theft or robbery or a vehicle which is received from a person who is then in violation of section 28-517.

Sec. 2. That section 28-510, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-510. Conduct denominated theft in sections 28-509 to 28-518 and section 3 of this act constitutes a single offense embracing the separated offenses heretofore known as larceny, embezzlement, false pretense, extortion, blackmail, fraudulent conversion, receiving stolen property, and the like. An accusation of theft may be supported by evidence that it was committed in any manner that would be theft under sections 28-509 to 28-518 and section 3 of this act, notwithstanding the specification of a different manner in the indictment or information, subject only to the power of the court to insure fair trial by granting a continuance or other appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise.

Sec. 3. (1) A person commits the crime of theft by shoplifting when he or she, with the intent of appropriating merchandise to his or her own use without paying for the same or to deprive the owner of possession of such property or its retail value, in whole or in part, does any of the following:

(a) Conceals or takes possession of the goods or merchandise of any store or retail establishment;

(b) Alters the price tag or other price marking on goods or merchandise of any store or retail establishment;

(c) Transfers the goods or merchandise of any store or retail establishment from one container to another;

(d) Interchanges the label or price tag from one item of merchandise with a label or price tag for another item of merchandise; or

(e) Causes the cash register or other sales recording device to reflect less than the retail price of the merchandise.

(2) In any prosecution for theft by shoplifting, photographs of the shoplifted property may be accepted as prima facie evidence as to the identity of the property. Such photograph shall be accompanied by a written statement containing the following:

(a) A description of the property;

(b) The name of owner or owners of the property;

(c) The time, date, and location where the shoplifting occurred;

(d) The time and date the photograph was taken;

(e) The name of the photographer; and

(f) Verification by the arresting officer.

The purpose of this subsection is to allow the owner or owners of shoplifted property the use of such property during pending criminal prosecutions.

Sec. 4. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 5. That original sections 28-509 and 28-510, Reissue Revised Statutes of Nebraska, 1943, are repealed.''.

LEGISLATIVE BILL 129. Placed on General File as amended. Standing Committee amendments to LB 129:

Req. #2096

1. Strike the original sections and insert the following new sections:

"Section 1. That section 53-160, Revised

Statutes Supplement, 1980, be amended to read as follows:

53-160. For the purpose of raising revenue a tax is imposed upon the privilege of engaging in business as a manufacturer or as a distributor at wholesale at a rate of ~~twelve~~ fifteen cents per gallon on all beer, regardless of alcoholic content; ~~fifty-five~~ sixty-five cents per gallon for wine containing fourteen per cent or less of alcohol by volume and one dollar and ~~ten~~ twenty-five cents per gallon for wines and other dilute alcoholic beverages containing more than fourteen per cent of alcohol by volume; and two dollars and ~~fifty~~ seventy-five cents per gallon on alcohol and spirits manufactured and sold by such manufacturer or imported for sale in this state by such distributor at wholesale in the course of such business; Provided, manufacturers or distributors at wholesale of alcoholic liquors shall be exempt from the payment of such gallonage tax imposed on such liquors, upon satisfactory proof, including bills of lading furnished to the commission by affidavit or otherwise as the commission may require, that such liquors were manufactured in this state but were shipped out of the state for sale and consumption outside the State of Nebraska; and provided further, that dry wines or fortified wines manufactured or imported solely and exclusively for sacramental purposes and uses shall not be subject to the tax provided in this section. This tax is not imposed upon any alcoholic liquor, whether manufactured in or imported into this state when sold to a nonbeverage user, as defined in section 53-103, licensed by the state for use in the manufacture of any of the following when they are unfit for beverage purposes: Patent and proprietary medicines and medicinal, antiseptic, and toilet preparations; flavoring extracts and syrups and food products; scientific, industrial, and chemical products, excepting denatured alcohol; or for scientific, chemical, experimental, or mechanical purposes; nor is the tax imposed upon the privilege of engaging in any business in interstate commerce or otherwise, which business may not, under the Constitution and statutes of the United States, be made the subject of taxation by this state. The tax herein imposed shall be in addition to all other occupation or privilege taxes imposed by the State of Nebraska or by any municipal corporation or political subdivision thereof; Provided, notwithstanding any ordinance or charter power to the contrary, no city or village shall impose an occupation tax on the business of any person, firm, or corporation licensed under this act and doing business within the boundaries of such city or village in any sum which exceeds double the amount of the license fee required to be paid under this act to obtain such license. The commission is hereby directed and authorized to collect the taxes herein imposed, and to account for and turn over to the State Treasurer at least once each week all money collected as herein provided. If any alcoholic liquor manufactured in or imported into this state is sold to a licensed manufacturer or distributor of this state to be used solely as an ingredient in the manufacture of any beverage for human consumption, the tax imposed upon such manufacturer or distributor shall be reduced by the amount of the taxes which have been paid as to such alcoholic liquor so used under this act. The net proceeds of all revenue arising hereunder shall inure to the state General Fund.

Sec. 2. That original section 53-160, Revised Statutes Supplement, 1980, is repealed.".

LEGISLATIVE BILL 228. Placed on General File as amended. Standing Committee amendments to LB 228:

1. On page 2, line 6, strike "magistrate", show as stricken, and insert "court"; and in line 17 strike "magistrate" and insert "court".
2. On page 3, line 6, strike "ninety" and insert "one hundred"; strike beginning with "and" in line 8 through "dollars" in line 10; and in line 13 strike "magistrate" and insert "court".
3. On page 4, line 19, strike "magistrate", show as stricken, and insert "court".
4. On page 5, strike beginning with "magistrate" in line 3 through "officer" in line 4 and insert "judge"; in line 16 strike "to the district court"; and in line 17 after "the" insert "appellate".

LEGISLATIVE BILL 242. Placed on General File as amended. Standing Committee amendment to LB 242:

1. On page 2, line 20, strike "the Nebraska Penal and Correctional Complex" and insert "any institution under the jurisdiction of the Department of Correctional Services".

(Signed) William E. Nichol, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 273 in the Journal. No objections. So ordered.

(FINAL READING COPY)

Req. #2173

1. Insert new sections as follows:

"Sec. 30. That section 25-2165, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 120, Eighty-seventh Legislature, First Session, 1981, be amended to read as follows:

25-2165. If judgment be given for the plaintiff, he or she shall recover the damages which he or she shall have sustained, to be ascertained by the court or a jury, or by referees, in a civil action, ~~costs, and reasonable attorney fees;~~ and a peremptory mandamus shall also be granted to him or her without delay. In addition to damages the court may also award costs and reasonable attorney's fees. The costs and attorney's fees shall be paid by the governmental body represented by the public official or employee.

Sec. 32. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 24, line 26, strike the first "and"; in line 27 after "1980," insert "and section 25-2165, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 120, Eighty-seventh Legislature, First Session, 1981,".

3. Renumber original section 30 as section 31.

4. In the title, line 8, strike "and"; and in line 10 after "1980" insert ", and section 25-2165, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 120, Eighty-seventh Legislature, First Session, 1981"; in line 25 strike "and"; and in line 28 after "1943" insert "; and to declare an emergency".

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 486. Placed on General File as amended.
Standing Committee amendments to LB 486:

1. Strike original sections 2, 4, 5, and 6.

2. On page 2, in lines 21 through 27 strike the new matter and reinstate the stricken matter.

3. On page 3, line 1, reinstate the stricken matter, and after the reinstated "other" insert "real and".

4. On page 6, line 21, strike "line" and show as stricken; in line 22 reinstate the stricken matter; in line 23 strike "thirty" and insert "fifty"; in line 24 strike "line" and after "track" insert "and sidetrack"; in line 25 strike "seventy" and insert "fifty"; in line 26 strike "and" and insert "on", strike "line" after "track" insert "and sidetrack", and after the stricken "the" insert "The"; and reinstate the stricken matter beginning with "value" in line 26 through "line" in line 27.

5. On page 7, reinstate the stricken matter beginning with "divided" in line 1 through the period in line 5; and reinstate the stricken matter beginning

with "For" in line 11 through the period in line 17.

6. Insert the following new sections:

"Sec. 3. That original sections 77-602 and 77-604, Revised Statutes Supplement, 1980, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

7. Renumber original section 3 as section 2.

LEGISLATIVE BILL 412. Placed on General File as amended.
Standing Committee amendments to LB 412:
Req. #2092

1. On page 2, line 14, strike "primarily" and insert "predominantly"; in lines 18 to 20 strike the new matter and insert "Residential and nonagricultural commercial development with an overall density of more than one unit per ten acres shall not be allowed within the agricultural use zone.".

2. On page 3, in lines 4 through 7, strike the new matter and reinstate the stricken matter; and in line 7 after the reinstated "residential" insert "or commercial".

3. Insert the following new sections:

"Sec. 3. That section 77-1345, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1345. (1) Any owner of agricultural lands eligible for special assessment under subsection (1) of section 77-1344 shall, to secure such assessment, make application to the county assessor on or before ~~April~~ May 1 of the first year in which such assessment is requested.

(2) (a) The application shall be made upon forms prepared by the Department of Revenue and supplied by the county assessor and shall include such information as may reasonably be required to determine the eligibility of the applicant.

(b) The application may be signed by any one of the following:

(i) The owner of the farmland who holds an estate in fee simple or for life;

(ii) Any one of tenants in common or joint tenants, holding an estate in the farmland in fee simple or for life;

(iii) Any person of legal age duly authorized in writing to sign an application on behalf of any person described in subdivisions (b) (i) and (ii) of this subsection;

(iv) The quardian or conservator of an owner, or the executor or administrator of an owner's estate; or

(v) The purchaser of the fee simple or life estate of an owner under a contract of sale.

(c) The assessor or his or her deputy shall not approve an application signed by a person whose authority to sign is not a matter of public record unless there is filed with the assessor a true copy of the deed, contract of sale, power of attorney, or other appropriate instrument evidencing the signer's interest or authority. When filed with the assessor only, such instrument shall not constitute a public record.

(3) There shall be annexed to each application the affidavit or affirmation of the applicant that the statements contained therein are true.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. On page 4, line 22, after "77-1344," insert "77-1345,".

5. Renumber original sections 3 and 4 as sections 4 and 5 respectively.

(Signed) Calvin F. Carsten, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 37.

Introduced by Fenger, 45th District; Higgins, 9th District; Cullan, 49th District; R. Peterson, 21st District; Wesely, 26th District; Maresh, 32nd District; Koch, 12th District; Barrett, 39th District, Beyer, 3rd District.

WHEREAS, in 1968 Dr. Paul H. Pearson was appointed as the first director of the Meyer Children's Rehabilitation Institute; and

WHEREAS, under Dr. Pearson's careful guidance the Institute has grown from a therapy center with a staff of seven to the main diagnostic and treatment center for children with complex handicaps in Nebraska and western Iowa, with twelve hundred children each year receiving treatment from one hundred professionals in thirteen disciplines; and

WHEREAS, through his efforts Dr. Pearson has greatly improved the care of handicapped children, provided training for thousands of medical students and professionals, and brought national recognition to the Meyer Children's Rehabilitation Institute and the University of Nebraska Medical Center; and

WHEREAS, Dr. Pearson has recently resigned the directorship of the Institute to devote his time to teaching and the practice of medicine.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature joins Dr. Pearson's friends and colleagues in commending him for his accomplishments and dedication to children with developmental disabilities and in wishing for his continued success.
2. That the Clerk of the Legislature send a copy of this resolution to Dr. Paul H. Pearson.

Laid over.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 12, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ryan, James E. - Lincoln, Singleton Ranch, Inc., Transystems, Inc.
Velotta, Michael J. - Northbrook, IL, Allstate Insurance Company

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 13, 1981, at 11:00 a.m., were the following bills: 55, 114, 128, 217, 246, 279, 388, 434, and 462.

(Signed) Hazel Kaltenberger, Enrolling Clerk

STANDING COMMITTEE REPORT
Miscellaneous Subjects

The Committee on Miscellaneous Subjects recommends the following appointments be confirmed by the Legislature, and suggests a record vote.

Nebraska Arts Council
Dick Davis
Lois Roskens
Jeanne Smith

Senator Newell moved to recommend the appointments be confirmed, seconded by Senator Von Minden. Voting yes: Senators Barrett, Beyer, Cullan, Fenger, Fitzgerald, Hefner, Newell and Von Minden. Voting no: none. Absent: none.

(Signed) Elroy Hefner, Chairperson

SELECT FILE

LEGISLATIVE BILL 500. E & R amendments found in the Journal on page 816 for the Fortieth Day were adopted.

Mr. Dworak renewed his pending amendment found in the Journal on page 835.

MR. CLARK PRESIDING

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Mr. Dworak asked unanimous consent to withdraw his pending amendment found in the Journal on page 835.

Mr. Dworak offered the following amendment:
On page 10, line 10, strike "fifty-one" and insert "sixty".

The Dworak amendment prevailed with 27 ayes, 7 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 425. E & R amendment found in the Journal on page 817 for the Fortieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 194. E & R amendments found in the Journal on page 817 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 89. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 89A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 50. E & R amendments found in the Journal on page 817 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 475. E & R amendment found in the Journal on page 841 for the Forty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 171. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 22. E & R amendments found in the Journal on page 841 for the Forty-First Day were adopted.

Advanced to E & R for Engrossment.

MOTION - Introduce New Bill

Mr. Cullan moved to suspend Rule 5, Section 5, to permit the introduction of a new bill, Req. 915.

The motion prevailed with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 550. By Cullan, 49th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to adopt the Nebraska Mining and Reclamation Act; to provide penalties; and to declare an emergency.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 265. Indefinitely postponed.
LEGISLATIVE BILL 362. Indefinitely postponed.
LEGISLATIVE BILL 469. Indefinitely postponed.

(Signed) David Landis, Chairperson

Business and Labor

LEGISLATIVE BILL 436. Placed on General File.

LEGISLATIVE BILL 115. Placed on General File as amended.
Standing Committee amendments to LB 115:

1. On page 2, line 9, reinstate "one hundred"; in line 10 before "~~eighty~~" insert "ninety" and strike "two hundred"; in line 11 reinstate "forty-nine" and strike "sixty-nine"; and in line 13 reinstate "forty-nine" and strike "sixty-nine".

2. On page 6, line 13, reinstate "one hundred", after the reinstated "one hundred" insert "ninety", and strike "two hundred"; in line 14 reinstate "forty-nine" and strike "sixty-nine"; in line 16 reinstate "forty-nine"; and in line 17 strike "sixty-nine";

3. On page 7, line 13, reinstate "one hundred", after the reinstated "one hundred" insert "ninety", and strike "two"; in line 14 strike "hundred" and reinstate "forty-nine"; in line 15 strike "sixty-nine"; and in line 17 reinstate "forty-nine" and strike "sixty-nine".

LEGISLATIVE BILL 494. Placed on General File as amended.
Standing Committee amendments to LB 494:
Req. #2129

1. Insert a new section as follows:

"Section 1. That section 48-418.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-418.13. On or before July 1, 1968, all elevators equipped with photoelectric tube devices, which control the closing of automatic, power-operated elevator doors, except those having fire service as provided in the American National Standard Safety Code A 17.1-1978 of 1978, as published by the American Society of Mechanical Engineers, with ionization or smoke detectors, shall have a switch in the elevator car which, when actuated, will render the photoelectric tube device ineffective.

This switch shall be constant pressure type, requiring not less than ten pounds nor more than fifteen pounds pressure to actuate. It shall be located not less than six feet nor more than six feet, six inches above the car floor, and shall be in or adjacent to the operating panel.

The switch shall be clearly labeled To Be Used In Case Of Fire Only. The switch shall be under glass shield to prevent its indiscriminate use by the public.".

2. On page 2, line 1, after "That" insert "original".

3. Renumber original section 1 as section 2.

LEGISLATIVE BILL 235. Indefinitely postponed.

(Signed) Richard Maresh, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 369. Placed on General File as amended.
Standing Committee amendments to LB 369::

1. On page 3, line 4, and page 6, line 9, after "absence." insert "Such credit shall increase the benefits provided by the retirement system and shall be included in creditable service when determining eligibility for death, disability, termination, and retirement benefits. The member who receives the credit shall earn benefits during the leave based on salary at the level received immediately prior to the leave of absence.".

2. On page 3, line 17, after the period insert "A leave of absence granted pursuant to this section shall not exceed four years in length and in order to receive credit for the leave of absence the member must return to employment with the Class V district within one year after termination of the leave of absence.".

3. On page 6, line 22, after the period insert "A leave of absence granted pursuant to this subsection shall not exceed four years in length and in order to receive credit for the leave of absence the member must return to employment with a school district, other than a Class V school district, in the state within one year after termination of the leave of absence.

(Signed) Steve Fowler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendments to LB 324 in the Journal. No objections. So ordered.

1. Page 2, line 11, strike "twelve" and insert in lieu thereof "thirty-six".

2. Insert a new section to read as follows:

Sec. 2. Any firefighter of a primary class city who terminates his or her employment and receives the benefit provided under Section 15-1013.02(1) may, upon becoming re-employed as a firefighter by such city, repay to the city in a lump sum the benefit received under section 15-1013.02(1) plus regular interest thereon from the date of termination to the date of re-employment and upon payment of such amount receive a pension service credit for the prior period of employment.

Mr. Landis asked unanimous consent to print the following amendments to LB 420 in the Journal. No objections. So ordered.

Amend Page 2, line 16 after the word "State", insert the following: "After the effective date of this act, no appointment to the Civil Service Commission shall be made unless a general notice seeking applicants for such position is published in a newspaper of general circulation in such City, once a week for three consecutive weeks, with the last publication not less than seven (7) days prior to the last day on which applications for such position will be taken. The members of such Commission shall be appointed by the appointing authority."

Amend Page 6 at Line 17, after the word "authority" insert the following: "at the time such list is published or posted, those eligible for appointment to or promotion within the department."

Amend Page 7, Line 1, after the word "held", add the following: "after the expiration of the period established by the appointing authority"

Amend Page 11, Line 12, after the word "positions" insert the following: "provided that Firefighters or Police Officer laid off because of curtailment of expenditures, reduction in force, or similar causes shall be reduced by classification. Police Officers or Firefighters who are qualified to perform duties of the next lower classification in declining sequence, may in reverse order of which they were promoted to that classification, in the order at which they were laid off, occupy vacant positions of such lower classifications, or, may displace employees who hold positions at such lower classifications. A Police Officer or Firefighter who voluntarily requests demotion or another position in order to remain in the Classified Service following a reduction in force, shall be placed in the new classification at a pay range commencing with that classification. Where by virtue of reduction in the work force, a Firefighter or Police Officer takes a position in a lower classification and a reduction in force becomes necessary in such lower classifications, such employee shall be credited with the seniority earned in his or her higher classification. When the work force is increased after lay off, those persons who have voluntarily taken a lower classification, shall have the option of occupying positions which open up in their former classifications with no loss of seniority in that classification. This option shall be exercised as the position in the higher classification becomes available.

Page 14, Line 14 after the word "authority." insert the following: "The accused shall specify whether he believes that his or her removal, suspension, demotion or discharge was made for political reasons."

Page 15, Line 9 after the word "investigation" insert the following: "The Commission shall conduct an investigation to determine if the accused was removed, suspended, demoted or discharged for political or religious reasons. Such determination shall be based on a preponderance of the evidence."

Page 15, strike lines 21 through 24 and page 15, line 25, strike the word "cause." and insert the following: "If the result of such investigation determines that the removal, suspension, demotion or discharge was not made for political or religious reasons, the Commission shall conduct an investigation to determine whether the reasons for the removal, suspension, demotion or discharge was made in accordance with Municipal Policies and Procedures Department Rules and Regulations or State Statutes where applicable. If it shall find that the removal, suspension, demotion or discharge was made for political or religious reasons, it shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the Commission's discretion so provides, be retroactive and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. If it shall find that the removal, suspension, demotion or discharge was not made on sufficient evidence to show a violation of Municipal Rules and Regulations, Departmental Policies and Procedures or State Statutes, it shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged which reinstatement shall, if the Commission's discretion so provides, be retroactive and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The Commission upon such investigation, in lieu of affirming their removal, suspension, demotion or discharge, may modify the Order of removal, suspension, demotion or discharge, provided that such modification not be greater than the original discipline proposed by the appointing authority."

The language in the above Paragraph appears at Sub-Section 4 and replaces all the language found on Page 15, Lines 21 through 27 and on Page 16, Lines 1 through 16 to the end of the sentence ending with "pay."

Page 12, Line 13 after the word "court.", strike the word "The"
Page 12, strike lines 14 through 21 and insert in lieu thereof the following: "No bill of exceptions nor cash bond or undertaking in excess of $50.00 shall be required. Parties may be represented by counsel on appeal and the District Court shall try any such appeal de nova without jury, pursuant to the Rules of Civil Procedure in the District Courts."

ANNOUNCEMENT

Mr. Maresh announced the Business and Labor Committee will meet in executive session Monday, March 16, 1981, at 9:00 a.m. in room 1019.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Haberman asked unanimous consent to have his name added to LB 241. No objections. So ordered.

Mr. Hoagland asked unanimous consent to have his name added to LB 134. No objections. So ordered.

ANNOUNCEMENTS

Mr. V. Johnson designates LB 522 as his priority bill.

The Administrative Rules and Regulations Review Committee designates LB 97 as their priority bill.

Mr. Sieck designates LB 53 as his priority bill.

Mr. L. Johnson designates LB 545 as his priority bill.

Mr. Warner designates LB 360 as his priority bill.

Mr. Vickers designates LB 35 as his priority bill.

Mr. Beyer designates LB 383 as his priority bill.

Mr. Cope designates LB 296 as his priority bill.

Mr. Rumery designates LB 436 as his priority bill.

Mr. Newell designates LB 412 as his priority bill.

The Revenue Committee designates LB 167 as their priority bill.

The Revenue Committee designates LB 479 as their priority bill.

Mr. Carsten designates LB 59 as his priority bill.

Mr. Maresh designates LB 11 as his priority bill.

The Miscellaneous Subjects Committee designates LB 406 as their priority bill.

The Miscellaneous Subjects Committee designates LB 523 as their priority bill.

The Judiciary Committee designates LB 346 as their priority bill.

The Judiciary Committee designates LB 213 as their priority bill.

The Public Health and Welfare Committee designates LB 95 as their priority bill.

The Public Health and Welfare Committee designates LB 249 as their priority bill.

Mrs. Pirsch designates LB 477 as her priority bill.

Mr. H. Peterson designates LB 489 as his priority bill.

The Appropriations Committee designates LB 381 as their priority bill.

The Appropriations Committee designates LB 334 as their priority bill.

The Urban Affairs Committee designates LB 241 as their priority bill.

The Urban Affairs Committee designates LB 435 as their priority bill.

Mr. Hefner designates LB 118 as his priority bill.

Mr. Schmit designates LB 243 as his priority bill.

The Agriculture and Environment Committee designates LB 384 as their priority bill.

The Business and Labor Committee designates LB 470 as their priority bill.

The Business and Labor Committee designates LB 394 as their priority bill.

Mr. Hoagland designates LB 134 as his priority bill.

Mr. Kremer designates LB 326 as his priority bill.

Mr. Wesely designates LB 389 as his priority bill.

Mr. Koch designates LB 209 as his priority bill.

Mr. Landis designates LB 499 as his priority bill.

VISITORS

Visitors to the Chamber were six students from Chadron State College; 25 students and teacher from Sargent High School; members of the Kiwanis Club; Mr. Henry Lubker from Nickerson; Larry, Marlene, Troy, and Travis Prichett from Grant; Mr. and Mrs. Gerald Gunderson from Wausa; and 9 students and teachers from Riley Elementary, Lincoln.

ADJOURNMENT

At 12:06 p.m., on a motion by Mr. Beutler, the Legislature adjourned until 9:30 a.m., Monday, March 16, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 16, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 16, 1981

Pursuant to adjournment, the Legislature met at 9:39 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Hoagland, Nichol, and Warner who were excused; and Messrs. Cullan, Goodrich, Newell, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Third Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 290. Placed on Select File as amended.
E & R amendments to LB 290:

1. On page 2, line 4, strike the first comma and show stricken.
2. In the title, line 4, strike "and" and insert "to provide specifications; to delete obsolete matter;"; and in line 5 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 138. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 440. Placed on General File as amended.
Standing Committee amendments to LB 440:

1. On page 2, line 2, strike "consist of" and insert "include"; in line 4 after "district" insert "in addition to the elected members"; in line 6 strike "the" and insert "(1) a"; in line 7 strike "the" and insert "(2) a" and after "or" insert "(3)"; in line 8 after "entire" insert "public high school"; in line 9 after "body" insert "of the district"; in line 13 before "The" insert "(1)"; in line 15 strike "(1)" and insert "~~(1)~~ (a)" strike beginning with "and" in line 15 through "act" in line 17; in line 18 strike "(2)" and insert "~~(2)~~ (b)" reinstate beginning with "unless" in line 18 through "section" in line 20; strike the new matter in lines 21 and 22 and insert "79-803.11"; and after line 22 insert a new subsection as follows:

"(2) In addition to the members specified in subsection (1) of this act such school boards or boards of education may include one or more student members selected pursuant to section 1 of this act.".

2. On page 3, line 3, after "and" insert "may include"; and in line 10 strike "shall" and insert "may".

3. On page 4, line 13, after "and" insert "may include".

4. On page 5, line 12, strike "shall" and insert "may".

5. On page 6, line 10, after "and" insert "may include"; and in line 18 strike "shall" and insert "may".

6. On page 7, line 2, strike "election" and insert "designation".

7. On page 8, line 19, after "and" insert "may include".

8. On page 9, line 5, strike "shall" and insert "may"; and in line 9 strike "or more" and after "members" insert ", and may include one or more nonvoting student members".

9. On page 10, line 16, strike "shall consist of" and insert "may include".

10. On page 11, line 10, strike "shall" and insert "may".

(Signed) Jerry Koch, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 310. Placed on General File as amended.
Standing Committee amendment to LB 310:

1. On page 3, line 8, strike "within the boundaries described", show as stricken, and insert "at the address indicated".

(Signed) Martin Kahle, Chairperson

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will meet in executive session at 1:30 p.m. on March 18, 1981 in room 1517.

REPORTS

Received status report from the Board of Examiners in Medicine and Surgery pursuant to Section 85-179.11.

Received report from State Building Division on the Request for Construction Contract Approval for the Review of Construction Contract for Relocation of Sanitary Sewer at the Omaha Medium/Minimum Correctional Facility pursuant to Section 81-1108.41.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 83, 136, 325, 354, and 457.

Motion - Approve Appointments

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointment found in the Journal on page 634: Mr. Ray Simmons, Nebraska Political Accountability and Disclosure Commission.

Voting in the affirmative, 31:

Barrett
Beyer
Carsten
Chronister
Cope
DeCamp
Dworak
Fenger
Goll
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Maresh
Marsh
Marvel
Peterson, H.
Peterson, R.
Rumery
Sieck
Stoney
Von Minden
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 8:

Beutler
Burrows
Chambers
Fitzgerald
Landis
Remmers
Vickers
Wagner

Excused and not voting, 10:

Clark
Cullan
Fowler
Goodrich
Hoagland
Newell
Nichol
Pirsch
Schmit
Warner

The appointment was confirmed with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Mrs. Labedz moved the adoption of the report of the Constitutional Revision and Recreation Committee for the following Governor appointment found in the Journal on page 635: Stan Juelfs, Game and Parks Commission.

Voting in the affirmative, 33:

Barrett
Beyer
Burrows
Carsten
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kilgarin
Koch
Kremer
Labedz
Lamb
Maresh
Marsh
Peterson, H.
Peterson, R.
Pirsch
Remmers
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely

Voting in the negative, 0.

Present and not voting, 8:

Beutler
Chambers
Johnson, V.
Kahle
Landis
Marvel
Rumery
Wiitala

Excused and not voting, 8:

Clark
Cullan
Goodrich
Hoagland
Newell
Nichol
Schmit
Warner

The appointment was confirmed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Mrs. Labedz moved the adoption of the report of the Constitutional Revision and Recreation Committee for the following Governor appointment found in the Journal on page 635: Richard Prasch, Game and Parks Commission.

Voting in the affirmative, 30:

Barrett
Beyer
Burrows
Carsten
Chronister
Cope
DeCamp
Fenger
Goll
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Maresh
Marsh
Peterson, H.
Peterson, R.
Pirsch
Remmers
Sieck
Stoney
Vickers
Von Minden
Wagner

Voting in the negative, 0.

Present and not voting, 11:

Beutler
Chambers
Dworak
Fitzgerald
Fowler
Labedz
Landis
Marvel
Rumery
Wesely
Wiitala

Excused and not voting, 8:

Clark
Cullan
Goodrich
Hoagland
Newell
Nichol
Schmit
Warner

The appointment was confirmed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Mr. Kremer moved the adoption of the report of the Public Works Committee for the following Governor appointments found in the Journal on page 642: Diane Gless, Tom Harvat, Ray Lind, William Lindholm, D. J. Erlington, R. Doyle Hanson, and Don Swing, Board of Public Roads Classifications and Standards.

Voting in the affirmative, 33:

Barrett
Beyer
Burrows
Carsten
Chronister
Cope
DeCamp
Fenger
Fitzgerald
Goll
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 9:

Beutler
Chambers
Dworak
Fowler
Kilgarin
Lamb
Maresh
Von Minden
Wagner

Excused and not voting, 7:

Clark
Cullan
Goodrich
Hoagland
Nichol
Schmit
Warner

The appointments were confirmed with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Mr. Kremer moved the adoption of the report of the Public Works Committee for the following Governor appointments found in the Journal on page 642: James H. McDonald, Sandra Kinsey, and Donald Beltz, Motor Vehicle Industry Licensing Board.

Voting in the affirmative, 36:

Barrett
Beyer
Carsten
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Lamb
Landis
Marsh
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 6:

Beutler
Burrows
Chambers
Kilgarin
Labedz
Maresh

Excused and not voting, 7:

Clark
Cullan
Goodrich
Hoagland
Nichol
Schmit
Warner

The appointments were confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Mrs. Labedz moved the adoption of the report of the Constitutional Revision and Recreation Committee for the following Governor appointment found in the Journal on page 784: Charles E. Wright, Game and Parks Commission.

Voting in the affirmative, 31:

Barrett
Beyer
Burrows
Carsten
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Landis
Marsh
Marvel
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 11:

Beutler
Chambers
Fowler
Goll
Kilgarin
Koch
Lamb
Maresh
Newell
Vickers
Wagner

Excused and not voting, 7:

Clark
Cullan
Goodrich
Hoagland
Nichol
Schmit
Warner

The appointment was confirmed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Kremer moved the adoption of the report of the Public Works Committee for the following Governor appointments found in the Journal on page 791: Ed Burke, B. T. Friedrichsen, and Richard Wood, Power Review Board.

Voting in the affirmative, 30:

Barrett
Beyer
Burrows
Carsten
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Haberman
Hefner
Higgins
Johnson, L.
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Wagner
Wiitala

Voting in the negative, 0.

Present and not voting, 12:

Beutler
Chambers
Fowler
Johnson, V.
Kahle
Kilgarin
Lamb
Maresh
Newell
Sieck
Vickers
Wesely

Excused and not voting, 7:

Clark
Cullan
Goodrich
Hoagland
Nichol
Schmit
Warner

The appointments were confirmed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. DeCamp moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointment found in the Journal on page 861: Gwen Hershberger, Nebraska Investment Council.

Voting in the affirmative, 29:

Barrett
Beyer
Chronister
Cope
DeCamp
Fitzgerald
Goll
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Peterson, H.
Peterson, R.
Remmers
Rumery
Stoney
Vickers
Von Minden
Wagner
Wiitala

Voting in negative, 0.

Present and not voting, 13:

Beutler
Burrows
Carsten
Chambers
Dworak
Fenger
Fowler
Kilgarin
Maresh
Newell
Pirsch
Sieck
Wesely

Excused and not voting, 7:

Clark
Cullan
Goodrich
Hoagland
Nichol
Schmit
Warner

The appointment was confirmed with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 241. Placed on General File as amended. Standing Committee amendments to LB 241:

1. On page 2, strike lines 10 through 12 and insert "shall be paid the fair and reasonable market value for such removal, taking, or appropriation, which fair and reasonable market value shall be based upon the depreciated reproduction cost of such sign, display, or device, except that, when feasible, the taking entity may elect to relocate such sign, display, or device, in which event the owners of the sign, display, or device shall be paid the actual and necessary relocation cost therefor."

2. On page 3, line 23, strike "an" and insert "a legally erected"; and strike beginning with "and" in line 25 through "act" in line 26.

3. On page 5, line 1, strike "an", and insert "a legally erected"; and strike beginning with "and" in line 2 through "act" in line 4.

(Signed) David Landis, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 267. Placed on General File as amended. Standing Committee amendment to LB 267:

1. On page 2, line 2, strike "dental" and insert "peer"; and in line 4 strike "dentist" and insert "person licensed pursuant to section 71-102".

LEGISLATIVE BILL 296. Placed on General File as amended. Standing Committee amendments to LB 296:

1. On page 2, line 1, strike "sections 1 to 12 of"; in line 3, strike "7" and insert "8"; and strike beginning with the first comma in line 6 through the second "or" in line 7.

2. Strike original sections 3, 9, and 12.

3. Insert the following new sections:

"Sec. 3. Dwelling shall mean any building which is not an apartment house, lodging house, hotel, or mobile home and which contains one or two dwelling units which are, or are intended or designed to be, occupied for living purposes, except that such term shall not include any manufactured housing unit constructed pursuant to sections 71-1555 to 71-1567 on or after January 11, 1977. Such term shall include a dormitory.

Sec. 8. Remodeling shall mean the altering or reconstructing of an existing building for which a building permit is required to be obtained by the local subdivision.

Sec. 10. (1) Every dwelling unit within a dwelling or apartment house constructed or remodeled on or after January 1, 1982, every guest room in a lodging house or hotel constructed or remodeled on or after January 1, 1982, and every dormitory constructed or remodeled on or after January 1, 1982, shall be provided with one or more operating smoke detectors meeting the requirements of the State Fire Marshal's rules and regulations.

(2) Every dwelling unit within a dwelling or apartment house constructed prior to January 1, 1982, except as provided in subsection (3) of this section, every guest room in a lodging house or hotel constructed prior to January 1, 1982, and every dormitory constructed prior to January 1, 1982, shall be provided with one or more operating smoke detectors meeting the requirements of the State Fire Marshal's rules and regulations on or before January 1, 1984.

(3) After January 1, 1982, every (a) mobile home, (b) manufactured housing unit constructed prior to January 11, 1977, and (c) single family house or duplex constructed prior to January 1, 1982, shall be provided with one or more operating smoke detectors meeting the requirements of the State Fire Marshal's rules and regulations within thirty days after their remodeling.

Sec. 13. This act shall prohibit a political subdivision from adopting standards less stringent than those provided in this act and rules and regulations adopted thereto, except that, as to buildings constructed on or after January 1, 1982, such political subdivision shall require that smoke detectors be attached to a centralized electrical power source within the building equipped with a battery as an alternate power source. No political subdivision shall require that a smoke detector be attached to a centralized power source within a building constructed prior to January 1, 1982.''.

4. On page 3, line 12 after ''description'' insert ''which was constructed prior to September 28, 1975,''; in line 14, strike ''which is'' and insert ''and whether or not''; in line 23 after the period insert ''The State Fire Marshal may consider the requirements for smoke detectors developed by any national testing laboratory in adopting such rules and regulations.''; and in line 24, strike ''may'' and insert ''shall''.

5. On page 4, line 23, strike ''(3)'' and insert ''Sec. 11.''; in line 24 strike ''smoke detector'' and insert ''the number and location of smoke detectors''; and in line 25 strike ''location''.

6. On page 5, line 8, strike "rented or" and insert "occupied"; in line 9 strike "leased" and strike "tenant or"; in line 10 strike "tenant"; in line 11 strike "or"; in lines 16 and 20 strike "tenant or"; and in line 23 strike "tenant" and insert "occupant".

7. On page 6, in line 9 strike "IV" and insert "V" and strike "and" and insert a period; and strike lines 10 and 11.

8. Renumber original sections 8, 10, and 12 as sections 9, 12, and 14, respectively.

(Signed) Samuel Cullan, Chairperson

Miscellaneous Subjects

LEGISLATIVE BILL 134. Placed on General File.
LEGISLATIVE BILL 490. Placed on General File.

LEGISLATIVE BILL 497. Placed on General File as amended.
Standing Committee amendment to LB 497:

1. On page 2, line 3, before "and" insert "72-731, 78-101 to 78-109,"; and in line 5 strike "45-160.07" and insert "53-160.07".

LEGISLATIVE BILL 101. Indefinitely postponed.
LEGISLATIVE BILL 193. Indefinitely postponed.
LEGISLATIVE BILL 368. Indefinitely postponed.
LEGISLATIVE BILL 430. Indefinitely postponed.

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Nichol asked unanimous consent to be excused March 17 through March 19, 1981. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 38.

Introduced by Labedz, 5th District; Stoney, 4th District; Higgins, 9th District; Fitzgerald, 14th District; Fenger, 45th District; Pirsch, 10th District; Wiitala, 31st District; V. Johnson, 8th District; Koch, 12th District; Newell, 13th District.

WHEREAS, Plato insisted that the disciplining of the body is as integral a part of a young person's education as the disciplining of the mind; and

WHEREAS, Creighton Preparatory School seeks to instill a love of both intellectual and physical excellence in its students; and

WHEREAS, 13 members of the Creighton Prep varsity basketball team won the Class A Nebraska Boys Basketball Championship on March 14, 1981, in the Bob Devaney Sports Center; and

WHEREAS, Prep also won the Class A Boys Football Championship this school year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Creighton Prep and its basketball team for their faithfulness to the Platonic ideal of developing physical as well as intellectual discipline.

2. That the Clerk of the Legislature send a copy of this resolution to Coach Michael Wilmot and the members and coaching staff of the Junior Bluejay basketball team.

Laid over.

MOTION - Override Veto on LB 206

Mr. Chambers renewed his pending motion found in the Journal on page 829 to pass LB 206 notwithstanding the objections of the Governor.

Mr. Chambers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Chambers requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Higgins
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Peterson, R.
Rumery
Stoney
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 12:

Beutler
Cope
Goodrich
Haberman
Hefner
Johnson, L.
Maresh
Peterson, H.
Pirsch
Schmit
Sieck
Von Minden

Present and not voting, 1:

Remmers

Excused and not voting, 5:

Clark
Cullan
Hoagland
Nichol
Warner

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 206A

Mr. Chambers renewed his pending motion found in the Journal on page 829 to pass LB 206A notwithstanding the objections of the Governor.

Mr. Chambers requested a machine vote.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 33:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Higgins
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Peterson, R.
Remmers
Rumery
Stoney
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 11:

Beutler
Cope
Haberman
Hefner
Johnson, L.
Maresh
Peterson, H.
Pirsch
Schmit
Sieck
Von Minden

Excused and not voting, 5:

Clark	Cullan	Hoagland	Nichol	Warner

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 245. Title read. Considered.

Standing Committee amendments, Req. #2147, found in the Journal on page 821 for the Fortieth Day were considered.

Mr. Beutler offered the following amendment to the Standing Committee amendments:

(1)

1. Add a new section as follows:
No state appropriations shall be obligated nor shall any bonds be authorized for the Regional College of Veternary Medicine herein authorized for construction until and unless federal funds in the amount specified in Section 2 hereof have been appropriated for the project by the United States Government.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Mr. Beutler requested a roll call vote.

Voting in the affirmative, 15:

Beutler	Fowler	Landis	Pirsch	Vickers
Chambers	Kilgarin	Marsh	Sieck	Wesely
Dworak	Koch	Newell	Stoney	Wiitala

Voting in the negative, 28:

Barrett
Beyer
Burrows
Carsten
Chronister
Cullan
DeCamp
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Maresh
Marvel
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Von Minden
Wagner

Present and not voting, 1:

Cope

Excused and not voting, 4:

Clark
Hoagland
Nichol
Warner

Absent and not voting, 1:

Johnson, V.

The Beutler amendment (1) lost with 15 ayes, 28 nays, 1 present and not voting, 4 excused and not voting, and 1 absent and not voting.

Laid over.

The Chair declared the Call raised.

COMMUNICATION ON LB 206

March 16, 1981

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 206 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 206 notwithstanding the objections of the Governor.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:sd
cc: Governor Thone

CERTIFICATE

Legislative Bill 206 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 16th day of March, 1981.

(Signed) Richard D. Marvel, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 206A

March 16, 1981

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 206A with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 206A notwithstanding the objections of the Governor.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:sd
cc: Governor Thone

CERTIFICATE

Legislative Bill 206A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 16th day of March, 1981.

(Signed) Richard D. Marvel, Presiding Officer
President of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 22, 50, 74, 89, 89A, 171, 194, 425, 475, and 500.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 74

The following changes, required to be reported for publication in the Journal, have been made:

In the title, line 3, "sections" has been changed to "section"; in line 4 "and 37-1105.01" has been stricken; and in line 9 "sections" has been stricken and "section, and also section 37-1105.01, Revised Statutes Supplement, 1980" has been inserted.

(Signed) Emory P. Burnett
E & R Attorney

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 13, 1981, at 11:00 a.m., were the following bills: 83, 136, 325, 354, and 457.

(Signed) Hazel Kaltenberger, Enrolling Clerk

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bill 550.

LB	Committee
550	Public Works

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

ANNOUNCEMENT

Mr. Kahle announced the Government, Military and Veterans Affairs Committee will meet in executive session on Thursday, March 19, 1981 at 1:30 p.m. in room 1113.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 328. Placed on General File as amended. Standing Committee amendment to LB 328:

1. On page 6, line 8, strike "board" and insert "~~board~~ executive director of the commission"; in line 9 strike "its" and insert "~~its~~ the", and after "functions" insert "of the board".

LEGISLATIVE BILL 477. Placed on General File as amended. Standing Committee amendments to LB 477:

Req. #2177

1. Insert a new section as follows:

"Sec. 6. Victims and witnesses of crimes have the following rights:

(1) To be informed by local law enforcement agencies and the county attorney of the final disposition of the case. If the crime charged is a felony, the victim shall be notified whenever the defendant or perpetrator is released from custody;

(2) To be notified that a court proceeding to which they have been subpoenaed will not go on as scheduled, in order to save the person an unnecessary trip to court;

(3) To receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;

(4) To be informed of financial assistance and other social services available as a result of being a witness or a victim of a crime, including information on how to apply for the assistance and services;

(5) To be informed of the procedure to be followed in order to apply for and receive any witness fee to which they are entitled;

(6) To be provided, whenever possible, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families and friends of defendants;

(7) To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property the ownership of which is disputed, shall be returned to the person within ten days of being taken;

(8) To be provided with appropriate employer intercession services to ensure that employers of victims and witnesses will cooperate with the criminal justice

process in order to minimize an employee's loss of pay and other benefits resulting from court appearances;

(9) To be entitled to a speedy disposition of the case in which they are involved as a victim or witness in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter; and

(10) To have the family members of all homicide victims afforded all of the rights under subsections (1) to (4) and (6) to (9) and services analogous to those provided under section 5 of this act.".

2. On page 9, line 2, strike "5" and insert "6".

3. Renumber original sections 6 and 7 as sections 7 and 8, respectively.

(Signed) Ernie Chambers, Vice Chairperson

Public Works

LEGISLATIVE BILL 35. Placed on General File.

LEGISLATIVE BILL 112. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 245. Mr. Beutler offered the following amendment to the Standing Committee amendments:

(2)

1. Add a new section 3 to read as follows:

Section. 3. All student fees charged to participating states entering into agreements pursuant to section 2 of this act shall include an assessment to cover that state's share of the capital construction costs of the Regional College of Veterinary Medicine. Each state's share shall be in the same proportion to the total construction costs, including interest on indebtedness, as that state's allocation of student slots bears to the total number of student slots. If such state share of construction costs is not paid upon entering into the agreement, interest at the legal rate shall be included in the student fees charged to such state.

2. Renumber subsequent sections accordingly.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Beutler moved for a Call of the House. The motion lost with 18 ayes, 19 nays, and 12 not voting.

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 16:

Beutler
Chambers
Dworak
Fowler
Haberman
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Pirsch
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 25:

Barrett
Beyer
Carsten
Chronister
Cullan
DeCamp
Fenger
Fitzgerald
Goll
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Maresh
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner

Present and not voting, 4:

Burrows
Cope
Goodrich
Marvel

Excused and not voting, 4:

Clark
Hoagland
Nichol
Warner

The Beutler amendment (2) lost with 16 ayes, 25 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendments:

(3)

1. Add a new section 3 to read as follows:

Section 3: The total number of Nebraska students enrolled at any one time in the Regional College of Veterinary Medicine shall not exceed 50% of the total number of students enrolled.

2. Renumber subsequent sections accordingly.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 39.

Introduced by Haberman, 44th District.

WHEREAS, Perkins County High School at Grant, Nebraska is the 1981 Class C boy's basketball champion; and

WHEREAS, the Perkins County High School Plainsmen at Grant have an overall season basketball record of 26-0 and during the season beat the 1981 state boy's basketball Class B champions of Sidney; and

WHEREAS, the Plainsmen of Perkins County High School in Grant were the Class C-2 state football champions this past season; and

WHEREAS, the Perkins County High School sports program has produced outstanding athletes whose achievements are deserving of statewide recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes to the boy's basketball team of Perkins County High School at Grant and to their coach, Tom Lawson.
2. That the members of the Legislature commend the sportsmanship and the outstanding season records of the football and basketball teams of Perkins County High School.

Laid over.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 249. Placed on General File as amended.
Standing Committee amendments to LB 249:

1. Strike original sections 1, 2, 3, 4, 5, 6, and 13.

2. On page 7, line 21, strike the new matter and reinstate the stricken matter; and in line 22 strike "Advisory Committee".

3. Insert the following new section:

"Sec. 3. (1) The State Board of Health shall have the power and duty to:

(a) Adopt and promulgate rules and regulations for the government of the Bureau of Examining Boards of the Department of Health; and

(b) Determine the policies of the Bureau of Examining Boards of the Department of Health.

(2) All funds rendered available by law, including funds collected for such purposes prior to the effective date of this act, may be used by the board in administering and effecting such purposes.".

4. On page 10, line 20, after "statutes" insert ", other than the sections of this act,".

5. On page 11, strike beginning with "71-2602" in line 3 through the fourth comma in line 4; and strike beginning with "and" in line 6 through the second comma in line 7.

6. Renumber original sections 7 and 8 as sections 1 and 2, original sections 9 to 12 as sections 4 to 7, and original section 14 as section 8, respectively.

(Signed) Samuel K. Cullan, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 292A. By Maresh, 32nd District.
This bill introduced on behalf of: LB 292.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 292, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 139A. By Marsh, 29th District.
This bill introduced on behalf of: LB 139.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 139, Eighty-seventh Legislature, First Session, 1981.

ANNOUNCEMENT

Speaker Marvel announced: Friday I requested that the body review the priority listing and come back to me by Monday, 3/16, morning with any additions they, individually, felt were necessary. I now have a list of 16 bills, which is compiled from feedback I received. I wish to thank the body for their indulgence in reviewing the list and their cooperation in reporting back to me.

Mr. Wesely designates LB 389 as his priority bill.

Mr. Kahle designates LB 529 as his priority bill.

Mr. Fitzgerald designates LB 351 as his priority bill.

Mr. Chronister designates LB 527 as his priority bill.

Mr. Nichol designates LB 129 as his priority bill.

Mr. Dworak designates LB 78 as his priority bill.

Mr. Lamb designates LB 183 as his priority bill.

The Administrative Rules and Regulations Review Committee designates LB 266 as their priority bill.

Mr. DeCamp designates LB 253 as his priority bill.

Mrs. Marsh designates LB 197 as her priority bill.

The following Priorities are designated by the Speaker: LB's 17, 39, 40, 111, 168, 258, 271, 284, 298, 328, 366, 400, 463, 503, 506, and 541.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 550 Thursday, March 26, 1981 12:30 p.m.

(Signed) Maurice Kremer, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 245 in the Journal. No objections. So ordered.

1. Strike the original sections and all amendments and insert the following new section:

"Section 1. A vote of the people for an advisory opinion as to whether money should be appropriated by the Legislature to construct a College of Veterinary Medicine in Nebraska shall be submitted to the people of the State of Nebraska at the general election in November, 1982. The question shall be submitted in substantially the following form:

Should the Legislature appropriate money for the building of a College of Veterinary Medicine:

_____ Yes

_____ No

The procedure concerning the filing of the form and preparation of the ballot, the publication of arguments, election officers, voting places, election apparatus and blanks, information to voters, delivery of ballots, calling of elections, conduct of elections, manner of voting, counting of votes, records and certificates of elections, recourts of votes, canvassing and returning votes and abstracts thereof, the proclamation of the result of the election by the Governor and the publication of the question so approved as a part of the general laws of the state, shall conform to the laws concerning proposals submitting measures as provided in sections 32-702 to 32-713 so far as applicable; Provided, the ballot title on such question submitted shall be designated as follows: Advisory Vote on Legislative Appropriation for a Veterinary College.''.

VISITORS

Visitors to the Chamber were a group of wives whose husbands are attending the Packers Service Group and Packers Management Company Annual Meetings; 200 Senior High students from the Nebraska Council of Youth; 28 seventh grade students and teacher from Sandy Creek School, Fairfield; former Senator Otho Kime from Valentine; 31 eighth grade students and teacher from St. Thomas More School, Omaha; 19 students and sponsors from Tekamah-Herman High School, Tekamah; and David Noonan from Bethany School, Omaha.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Chambers, the Legislature adjourned until 9:00 a.m., Tuesday, March 17, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 17, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 17, 1981

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Reverend Ron Wasikowski, Associate Pastor, St. Philip Neri Catholic Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messsrs. Clark and Nichol who were excused; and Messrs. Chambers, Dworak, Fowler, Goodrich, Koch, and Newell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fourth Day was approved.

MESSAGE FROM THE GOVERNOR

March 16, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 55, 83, 114, 128, 136, 150, 154, 195, 217, 246, 272, 275, 279, 288, 325, 354, 388, 409, 434, 457, and 462, as well as Reengrossed Legislative Bills 24, 38, and 51.

These bills were signed by me on March 16, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

ATTORNEY GENERAL'S OPINIONS

Opinion No. 49
March 6, 1981

Dear Senator DeCamp:

You have written asking us several questions concerning the Executive Board, the Legislative Council, and the statutes pertaining thereto as they relate to the duty, responsibility, and authority of elected members of the Legislature. We will attempt to answer the questions that you raised in the order in which you raised them.

In your first two paragraphs you indicate that the law provides the Legislative Council is a separate body from the Legislature, legislators are elected under the Constitution, the Legislative Council is a statuory creation, that the members of the Legislative Council are not elected by the people of the State of Nebraska and that they have no lawmaking powers except that granted by acts of the Legislature. With respect to the Executive Board, you point out that it is the Executive Board of the Legislative Council and "thus, any limitations, as I read it, on the Legislative Council that might come about by virtue of the way they are created and the fact that they are non-elected officials and merely a creation of the Legislature, would apply to the Executive Board of the Legislature."

In your first question you ask, "whether the Legislative Council, as such, is indeed a body with no lawmaking authority and a body distinct and separate from the Unicameral?" Neb.Rev.Stat. §50-401 (Reissue 1978) provides:

> There is hereby created a Legislative Council, hereinafter referred to as council, which shall consist of all of the members of the Legislature. It shall be the function of the Legislative Council to consider legislative policies between sessions of the Legislature and carry out the duties imposed by section 50-402.

Section 50-402, among other things, authorizes the Legislative Council to collect information, examine the effects of statutes, to deal with important issues of public policy, to prepare a legislative program in the form of bills, or otherwise, study federal aid, establish and maintain a bill drafting service, supervise all service and service personnel required by the Legislature, provide for the publication of the statutes in Nebraska, and set up subcommittees within the Executive Board to carry out functions, including investigations of any area it decides is in the public interest. Therefore, it is clear that the Legislative Council is, in fact, a body established under §50-401. It cannot, however, be said that it is a body distinct and separate from the Legislature itself. The section establishing the Legislative Council states that it shall consist of all members of the Legislature. To say that it is a separate and distinct body from the Legislature would imply that there were either different, additional or fewer members of one body than the other. It would appear to us that the Legislative Council is no more than a committee of the whole Legislature constituted for the purpose of performing the functions specified in §50-402 and other statutes. As we read the statutes, the Legislative Council's functions are primarily, although not exclusively, performed during the interim between legislative sessions.

The other part of your initial question is whether or not it has any lawmaking authority. (We assume you mean the power to enact statutes and make appropriations.) The Constitution of the State of Nebraska sets out the authority to make laws. Article III, Section 1, establishes the Legislature and vests therein the legislative authority of the state. Article III generally sets forth the manner in which laws may be enacted by the State of Nebraska. Article III, Section 13, for instance, in part provides, "[N]o law shall be enacted except by bill. No bill shall be passed by the Legislature unless by the assent of a majority of all members elected and the yeas and nays on the question of final passage of any bill shall be entered upon the journal." Other provisions of Article III specify the manner in which bills are introduced, enacted, and presented to the Governor. Obviously, the Legislative Council is not the Legislature as such in that meetings of the Legislature are specified constitutionally with respect to duration and with respect to certain matters of procedure. So, when you speak of "lawmaking authority" in terms of enacting statutes or appropriating money, the Legislative Council as such has no "lawmaking authority."

In addition, we note the Legislative Council has been in existence since 1937. No question has been raised regarding the authority of the Legislature to establish standing interim committees. We do not believe there is any question of the power to create such committees.

In your next question you state:

> Second, it would appear that a member of the Legislature is compelled by statute to be a member of the Legislative Council. My question is whether a legislator has an option as to whether

> he/she wishes to be a member of this separately created body, the Legislative Council, in view of the fact that nothing in the Constitution provides that when a person runs for the Legislature and becomes a member of the Legislature he/she can be compelled by law to be a member of some other group?

When an individual runs for a public office, often by virtue of that public office he becomes a member of other committees or other groups. For instance, the Governor, the Attorney General, and the Secretary of State, under Article IV, Section XIII, constitute the Board of Pardons. Other officers of state government are ex officio members by statute of any variety of boards, commissions, and committees. When an individual determines that he or she shall run for a particular office, that person, by virtue of that decision, is subject to any laws or constitutional provisions which require the office holder to serve on other committees or groups. We can see no distinction between that result for an excutive officer of for a legislative officer. By becoming a member of the Legislature by election, each member is subject to being assigned to various committees, chairmanships, special committees, and other such groups. Obviously, the Legislature may adopt rules and regulations not inconsistent with law or with the Constitution to govern its internal operations. The Legislature may do that, either by statute or by rule. In this case the Legislature has chosen to adopt by statute a method organizing a Legislative Council to perform duties including duties which are performed during the interim. Other states have similar committees.

In your next question you state that your previous question is important because you believe that the Legislative Council, acting under color of law, raises serious doubts in your mind as to whether certain of their actions are constitutional. You state, "Legislative Council members are apparently under 50-415 Neb.Rev.Stat. allowed to have certain privileges and rights that are not allowed to members of the Legislature under the Constitution of the State of Nebraska. . . . I am also ordered by statute, 50-415, to be compensated for expenses. My next question is this: Am I not in effect being ordered by statutes to violate the Constitution with no choice?"

Of course, you are not required to file a claim for reimbursement. Neb.Rev.Stat. §50-415 (Reissue 1978) provides: The members of the council shall be compensated for actual expenses incurred while attending sessions of the council and the members of any committee of the council shall be compensated for actual expenses incurred while on business of the committee." In the first instance, Article III, Section 25, provides:

> No allowance shall be made for the incidental expenses of any state officer except the same be made by general appropriation and upon an account specifying each item. No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, and on the presentation of a warrant issued as the Legislature may direct, and no money shall be diverted from any appropriation made for any purpose or taken from any fund whatever by resolution.

Without specifying in great detail the statutory framework, it is sufficient to say that no expenses are paid except upon the presentation of a claim filed by the individual to whom the expenses are due. Secondly, no expense is paid unless there is an appropriation. The triggering mechanism is the filing of a claim by an individual for reimbursement of the expenses incurred. If you choose not to be reimbursed, do not file the claim. Anyone may volunteer their services gratis to the state if they desire to do so. There is no requirement in the law that the state pay for particular services rendered when the individual having rendered those services wishes not to be paid.

As an additional matter, as you have pointed out, our office has construed on a number of occasions the times during which and the functions for which legislators may be reimbursed their expenses. You are well aware that expenses may be reimbursed during the interim but not during the legislative session. We would note at this time that we have had two requests for our opinion on LB 206 which was recently passed by the Legislature. We have rendered an opinion to Senator Chambers (No. 17, February 3, 1981) and to Senator Hefner, copies of which are attached hereto.

You next point out that §50-416 authorizes the Executive Board of the Council to appoint the Retirement Systems Committee. You state, "I question whether this is an illegal delegation of authority in that non-elected official or apparent officials who are not functioning in a legislative capacity determine what can only be determined or approved by members of the Legislature. While I realize that the members of the Legislative Council are indeed coincidentally members of the Legislature, it is clear from the statutes than when they are members of the Legislative Council they are not functioning with their authority as legislative members." You further point to §50-418 which provides for the establishment of the Fiscal Analyst office and his appointment by the Executive Board, along with his powers and duties, and §§50-421 and 424 which authorize the Executive Board to appoint the Transportation Advisory Committee and which provide for its duties. With the exception of the Legislative Fiscal office, each of these committees to which you point are charged with duties of studying particularized topics. For instance, §50-425 provides, "The purpose of the committee shall be to study issues affecting telecommunications. The committee shall not hear or act on legislative bills during any session of the Legislature." Section 50-417 provides that the Nebraska Retirement Systems Committee is to study legislative proposals affecting public retirement systems and report the results of such study to the Legislature. The Legislative Fiscal Analyst is established within the Legislative Council and given a wide variety of duties which are primarily directed toward providing the Legislature with information on fiscal matters concerning state government.

In the well reasoned opinion of State ex rel. James v. Arnson, 314 P.2d 849 (Mont. 1957), the Montana Supreme Court was concerned with a legislative council composed of six members of the House of Representatives and six members of the Senate of Montana. The court rejected claims that such a body violated constitutional proscriptions prohibiting the appointment of members of the Legislature to civil offices under the state, that it was a violation of the separation of powers article of the Montana Constitution, that it violated the provision of the Montana Constitution limiting the time which a legislature could assemble, as well as certain questions regarding the payment of expenses to members serving on this council during the interim. The Montana Supreme Court in considering similar contentions to those you raised said:

> With the possible exception of Mitchell v. Holmes [128 Mont. 275, 274 P.2d 611], there is to our knowledge no decision of any court denying the legislature the power to create by statute a committee to serve in the interim between sessions of the assembly. On the contrary, all courts have uniformly held that the investigative power exists in the legislative branch which may be exercised after final adjournment as well as during the session.

That opinion also listed several of the states that at the time of its issuance had similar legislative committees. They included Illinois, Kansas, Kentucky, Maryland, Missouri, Nebraska, North Dakota, Oklahoma, Pennsylvania, Rhode Island, and Virginia. We have no problem in determining that the Legislature clearly had the authority to establish the Legislative Council and the Executive Board, that it clearly had the authority to give those boards the power to perform certain legislative actions which are primarily investigatory. As such, we can find no constitutional problem with the establishment of the Legislative Council or the Executive Board as it is presently constituted.

In the final paragraph of your letter you indicate that you believe that the members of the Legislature are in jeopardy of violating the

Constitution because the Legislative Council is a device to collect money for legislators otherwise prohibited by the Constitution of the State of Nebraska. While we have previously indicated in opinions that legislators may be reimbursed their expenses for legislative activities which occur during the interim, we would anticipate, should LB 206 pass, that a lawsuit would be commenced to determine the constitutionality of that act. We believe that as a part of that lawsuit it would be appropriate for us to raise the question of whether or not expenses may be paid to legislators in their role as members of the Legislative Council, Executive Committee, or other committees established by the Legislative Council or appointed by the Executive Board during the interim. Such a challenge to any reimbursement of expenses may be anticipated if LB 206 becomes law.

As you also pointed out in your letter since your questions concern the constitutionality of statutes which are currently in existence, under ordinary circumstances we would not have responded to your queries. However, due to the apparently intense interest in the question of reimbursement of expenses for legislators, we felt that it was appropriate to respond to your inquiries, notwithstanding our long-followed policy.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 50
March 13, 1981

Dear Senator DeCamp:

You have asked whether or not a potential proposed piece of legislation which would authorize the payment of $1,500.00 per month as a salary during the interim when the Legislature is not in session to members of the Legislative Council, would be constitutional. You further ask whether it would be constitutional to propose that members of the Executive Board receive $100.00 or any other sum as members of the Executive Board for each meeting of the Executive Board. You refer to several prior opinions we have issued on the question of the payment of expenses to legislators during the session. We believe that each proposal would be unconstitutional. Article III, section 7 of the Constitution provides in part:

> Each member of the Legislature shall receive a salary of not to exceed four hundred dollars per month during the term of his office. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than salary or per diem.

In the first part of your potential proposed legislation you are suggesting a salary of $1,500.00 per month when the Legislature is in session. However, the terms and words of the Constitution specifically limit the salary of legislators to $400.00 during the term of the legislator's office. A legislator is elected for a four year term and that limitation applies throughout the term. In your second question you suggest $100.00 for each meeting of the Executive Board. That sum is not intended to cover any expenses that might be incurred by executive board members but as recompense for their service as members for each meeting. That again we believe would be in violation of the specific words of the Constitution.

You attempt to make a distinction between legislators serving in their capacity as members of the Legislature and services as Executive Board or Legislative Council members. In a prior opinion to you we indicated that there is not a complete separation as you seem determined to suggest. The Legislative Council and the Executive Board are creatures of the Legislature. Members serve in those capacities by virtue of the fact that they are members of the Legislature. These bodies are standing committees of the Legislature, created by law. As such they are not distinct and separate from the Legislature but merely a part of the Legislature itself. Therefore, the constitutional prohibitions applying to legislators apply with equal force when legislators are serving in their capacity as members of the Executive Board, the Legislative Council, or as the Legislature.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 51
March 13, 1981

Dear Senator Nichol:

You have asked our opinion on certain questions relating to LB 515. The question you specifically ask is whether local governments with budgets of less than $5,000 are exempt from the provisions of Neb.Rev.Stat. §77-3412 through 77-3432.01 (Supp. 1980). You point out in your letter that LB 515 specifically provides that by way of an amendment to §77-3423 (Supp. 1980) that the provisions of the Political Subdivision Budget Limit Act shall not apply to political subdivisions having a combined receipts budget base of less than $15,000. You point out that §77-3423 (Supp. 1980) now provides that:

> [N]o governing body of any political subdivison shall adopt a budget statement pursuant to section 23-925, or pursuant to the charter or ordinances of a city with a home rule charter, in which the anticipated combined receipts for the ensuing fiscal year exceeds an increase of seven per cent above the combined receipts budget base.

You further point out that Neb.Rev.Stat. §23-925 (Reissue 1977) does not require the filing of a computation by governing bodies which have a budget of less than $5,000 per year.

The implication raised by a potential reading of the two sections is that governing bodies of entities having a budget of less than $5,000 a year are exempt from the seven percent lid on their budgets.

We do not believe that that was the intention of the Legislature in adopting the Political Subdivision Budget Limit Act of 1979. We believe the legislative history of this and its predecessor act clearly showed an intention on the part of the Legislature to restrict all governmental subdivisions to an increase of seven percent from one year to the next in the amount of their budget. We would point out to you that §77-3415 applies the definition of governing body as it is contained in §23-922 (Reissue 1977) which generally defines the governing body for all practical purposes of every subdivision of government. No exclusion is contained in that definition based upon the amount of the budget for the particular subdivision.

We, of course, must state that this conclusion is not without doubt. However, in construing statutes certain principles are applicable. The budget act is designed and intended to facilitate, according to §23-921, the amount of information that is provided to the public on budgets of local governmental subdivions. The Political Subdivision Budget Limit Act of 1979, on the other hand, is an act designed to limit the increase in funding for governmental budgets to a stated annual amount. We do not believe that these statutes are in pari materia. While they treat the same general area of budgets, one deals with the method of disclosure and a method of filing certain reports concerning the budget and the other specifically deals with the amount that may be budgeted. We believe the latter is more specific in the area of limitation and would control over the more general act relating to budgets of all political subdivisions and the method in which they are compiled and reportsd. See, Roebuck v. Fraedrich, 201 Neb. 413, 276 N.W.2d 759 (1978). Generally the later act will control over the earlier act.

In sum, it is our view that under the current existing statutes governmental subdivisions with budgets of less than $5,000 are not exempt from the Political Subdivision Budget Limit Act of 1979, §§77-3412, et seq. (Supp. 1980).

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 250. Placed on General File as amended. Standing Committee Amendments to LB 250:

1. On page 3, in line 22 reinstate "advocating"; and in line 23 strike "facilitating".
2. On page 4, line 9 strike "Provide for" and reinstate "Promote"; and in line 14 reinstate "voluntary".

LEGISLATIVE BILL 444. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2077.)

(Signed) Martin Kahle, Chairperson

Public Works

LEGISLATIVE BILL 302. Placed on General File as amended. Standing Committee amendments to LB 302:
Req. #2159

1. Strike the original sections and insert the following new sections:

"Section. 1. For the purposes of sections 1 to 5 of this act, unless the context otherwise requires:

(1) Board shall mean the Nebraska Power Review Board;

(2) Electric suppliers shall mean any legal entity supplying, producing, or distributing electricity within the state for sale at wholesale or retail;

(3) Representative organization shall mean an organization designated by the board and organized for the purpose of providing joint planning and encouraging maximum cooperation and coordination among electric suppliers. Such organization shall represent electric suppliers owning a combined electric generation plant capacity of at least ninety per cent of the total electric generation plant capacity constructed and in operation within the state; and

(4) State shall mean the State of Nebraska.

Sec. 2. The board shall, prior to October 1, 1981, designate the representative organization responsible for the preparation and filing of those reports required pursuant to sections 3 and 4 of this act. The board may utilize a preexisting representative group from the industry if such group is willing to perform the task in the prescribed time and manner. The board shall prepare and publish the long-range power supply plan itself, if the board determines that no representative group is willing to complete such a study or that the product of any group so assembled has substantial deficiencies or cannot be completed by the prescribed date. The board shall have the power and duty to levy a special assessment in the manner described in section 70-1020 to defray the costs of such power supply plans, if the board must produce such power supply plan by itself or with consultants.

Sec. 3. (1) On or before December 1, 1981, the representative organization shall file with the board a coordinated long-range power supply plan containing the following information:

(a) The identification of all electric generation plants operating or authorized for construction within the state that have a rated capacity of at least twenty-five thousand kilowatts;

(b) The identification of all transmission lines located or authorized for construction within the state that have a rated capacity of at least two hundred thirty megavolts; and

(c) The identification of all additional planned electric generation and transmission requirements needed to serve estimated power supply demands within the state for a period of twenty years.

(2) On or before July 1 of each year thereafter, the representative organization shall file with the board a report supplementing the coordinated long-range power supply plan specified in subsection (1) of this section, identifying any changes in the number of electric generation plants, transmission lines, or projected electric generation and transmission requirements reported in the original report or any supplemental report thereto during the preceding twelve-month period.

Sec. 4. (1) The representative organization shall on or before December 1, 1981, file with the board a research and conservation report, which report shall include the following information relative to programs adopted by the representative organization and its electric supplier members in the following areas:

(a) Research and development;

(b) Energy conservation;

(c) Load management;

(d) Renewable energy sources; and

(e) Cogeneration.

(2) On or before July 1 of each year thereafter, the representative organization shall file with the board a report supplementing the research and conservation report specified in subsection (1) of this section, identifying any changes made in such programs during the preceding twelve-month period.

Sec. 5. The board shall include in its biennial report containing annual data, a summary of the significant items contained in the coordinated long-range power supply plan and the research and conservation report initially filed and the annual supplements to such reports. Before publishing its report, the board shall consider at a public hearing after giving notice of such hearing, the coordinated long-range power supply plan.".

LEGISLATIVE RESOLUTION 21. Reports the same back to the Legislature with the recommendation that it be considered by the Legislature with the following amendment:
Add the following at the end of Item 3, page 2:
"The Clerk of the Legislature will also send copies of this resolution to the Clerks of the other forty-nine Legislatures."

(Signed) Maurice A. Kremer, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 30. Read. Considered.

LR 30 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 31. Read. Considered.

LR 31 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 32. Read. Considered.

LR 32 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 35. Read. Considered.

LR 35 was adopted with 32 ayes, 0 nays, and 17 not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hefner asked unanimous consent to have his name added to LR 36. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 36. Read. Considered.

LR 36 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 37. Read. Considered.

LR 37 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 38. Read. Considered.

LR 38 was adopted with 31 ayes, 0 nays, and 18 not voting.

LEGISLATIVE RESOLUTION 39. Read. Considered.

LR 39 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 28. Read. Considered.

LR 28 was adopted with 32 ayes, 0 nays, and 17 not voting.

GENERAL FILE

LEGISLATIVE BILL 245. Title read. Considered.

MR. CLARK PRESIDING

Mr. Beutler renewed his pending amendment (3) found in the Journal on page 946.

Mr. Beutler requested a record vote.

Voting in the affirmative, 14:

Beutler
Chambers
Clark
Cullan
Dworak
Fowler
Hoagland
Johnson, V.
Koch
Landis
Marsh
Newell
Pirsch
Stoney

Voting in the negative, 24:

Barrett
Burrows
Carsten
Chronister
Fenger
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kilgarin
Kremer
Lamb
Maresh
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Wagner
Wesely
Wiitala

Present and not voting, 9:

Beyer
Cope
DeCamp
Fitzgerald
Labedz
Marvel
Vickers
Von Minden
Warner

Excused and not voting, 2:

Goodrich
Nichol

The Beutler amendment (3) lost with 14 ayes, 24 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendments:

(4)

1. Add a new section as follows:
No state appropriations shall be obligated nor shall any bonds be authorized for the Regional College of Veternary Medicine herein authorized for construction until and unless private donations in the amount of two million dollars have been received by the University of Nebraska Foundation and made available to the University of Nebraska for the construction of the Regional College of Veternary

Medicine.

SPEAKER MARVEL PRESIDING

Mr. Beutler moved for a Call of the House. The motion prevailed with 11 ayes, 5 nays, and 33 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Beutler
Chambers
Clark
Cope
Cullan
Dworak
Fowler
Haberman
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Pirsch
Stoney
Wesely
Wiitala

Voting in the negative, 25:

Barrett
Beyer
Burrows
Carsten
Chronister
DeCamp
Fenger
Fitzgerald
Goll
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Maresh
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Von Minden
Wagner
Warner

Present and not voting, 3:

Marvel
Sieck
Vickers

Excused and not voting, 2:

Goodrich
Nichol

The Beutler amendment (4) lost with 19 ayes, 25 nays, 3 present and not voting, and 2 excused and not voting.

Mr. Chronister asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

The Standing Committee amendments found in the Journal on page 821 were adopted with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 115A. By Fowler, 27th District.
This bill introduced on behalf of: LB 115.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 115, Eighty-seventh Legislature, First Session, 1981.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on the following bills on Final Reading: LB's 38, 54, 275, 205, 154, 55, 128, 217, and 279.

Nay on the following: LB 150E and 409.

(Signed) Marge Higgins

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 257. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office-Req. #2161.)

(Signed) John W. DeCamp, Chairperson

Agriculture and Environment

LEGISLATIVE BILL 542. Placed on General File.

LEGISLATIVE BILL 11. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office-Req. #2167.)

LEGISLATIVE BILL 396. Placed on General File as amended.
Standing Committee amendments to LB 396:
Req. #2109

1. Strike the original sections and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Agricultural Liming Materials Act.

Sec. 2. As used in this act, unless the context otherwise requires, the definitions in sections 3 to 18 of this act shall apply.

Sec. 3. Agricultural liming material shall mean a product whose calcium and magnesium compounds are capable of neutralizing soil acidity, including limestone, burnt lime, hydrated lime, marl, an industrial by-product, and agricultural lime slurry.

Sec. 4. Limestone shall mean a material consisting essentially of calcium carbonate or a combination of calcium carbonate with magnesium carbonate capable of neutralizing soil acidity.

Sec. 5. Burnt lime shall mean a material made from limestone which consists essentially of calcium oxide or a combination of calcium oxide with magnesium oxide.

Sec. 6. Hydrated lime shall mean a material made from burnt lime which consists of calcium hydroxide or a combination of calcium hydroxide with magnesium oxide or magnesium hydroxide.

Sec. 7. Marl shall mean a granular or loosely consolidated earthy material composed largely of seashell fragments and calcium carbonate.

Sec. 8. Industrial by-product shall mean any industrial waste or by-product containing calcium or calcium and magnesium in forms that will neutralize soil acidity.

Sec. 9. Brand shall mean the term, designation, trade-mark, product name, or other specific designation under which individual agricultural liming material is offered for sale.

Sec. 10. Fineness shall mean the percentage by weight of the material which will pass nationally recognized standard sieves of specified sizes.

Sec. 11. Ton shall mean a net weight of two thousand pounds avoirdupois.

Sec. 12. Bulk shall mean in a nonpackaged form.

Sec. 13. Label shall mean any written or printed matter on or attached to the package or on the delivery ticket which accompanies bulk shipments.

Sec. 14. Calcium carbonate equivalent shall mean the acid neutralizing capacity of an agricultural liming material expressed as a weight percentage of calcium carbonate. The weight of water contained by the liming material shall be included when calculating the calcium carbonate equivalent.

Sec. 15. Weight shall mean the weight of undried material as offered for sale.

Sec. 16. Agricultural lime slurry shall mean pulverized limestone suspended in water and which may contain up to two per cent by weight of appropriate clay and surfactant to maintain the liming material in suspension.

Sec. 17. Department shall mean the Department of Agriculture.

Sec. 18. Director shall mean The Director of Agriculture.

Sec. 19. The department shall adopt, promulgate, and enforce such rules and regulations as may be necessary to carry out the provisions of this act pursuant to Chapter 84, article 9.

The director shall adopt and promulgate rules and regulations relating to fineness as defined in section 10 of this act and he or she shall base such rules and regulations on specifications for sieve sizes used by national testing and materials organizations.

Sec. 20. (1) Agricultural liming materials sold, offered, or exposed for sale in this state shall have affixed to each package in a conspicuous manner on the outside of such package, a plainly printed, stamped, or otherwise marked label, tag, or statement, or in the case of bulk sales, a delivery slip, setting forth the following information:

(a) The name and principal office address of the manufacturer or distributor;

(b) The brand or trade name of the material;

(c) The identification of the product as to the type of the agricultural liming material;

(d) The net weight of the agricultural liming material;

(e) The minimum effective calcium carbonate equivalent, which is a percentage of weight function of calcium carbonate equivalent and fineness as prescribed by the rules and regulations of the director; and

(f) The pounds of effective calcium carbonate per ton.

Additional information may also be listed on the package including the minimum percentage by weight of calcium carbonate and magnesium carbonate.

(2) No information or statement shall appear on any package, label, delivery slip, or advertising matter which is false or misleading to the purchaser as to the quality, analysis type, or composition of the agricultural liming material.

(3) In the case of any material which has been adulterated subsequent to its packaging, labeling, or loading and before its delivery to the consumer, a plainly marked notice of the adulteration shall be affixed by the vendor to the package or delivery slip to identify the kind and degree of such adulteration in such package.

(4) At every site from which agricultural liming materials are delivered in bulk and at every place where consumer orders for bulk deliveries are placed, there

shall be conspicuously posted a copy of the statements required by subsections (1) and (3) of this section for each brand of material.

Sec. 21. (1) No agricultural liming material shall be sold or offered for sale in this state unless it complies with this act or the rules and regulations promulgated pursuant to this act.

(2) No agricultural liming material shall be sold or offered for sale in this state which contains toxic materials in quantities injurious to plants or animals.

Sec. 22. (1) Each separately identified agricultural liming material shall be registered before being distributed in this state. The application for registration shall be submitted to the department on forms furnished and approved by the department. Upon approval by the department a copy of the registration shall be furnished to the applicant. All registrations shall expire on December 31 of the same year.

A distributor shall not be required to register any brand of agricultural liming material which is already registered pursuant to this act by another person if the label does not differ in any respect.

(2) Every manufacturer of agricultural liming materials to be distributed in this state shall file with the department an application for a license on or before January 1 of each year or prior to manufacture or distribution of such liming materials. Upon acceptance of the application and proper fee, the department shall issue a license for the current year. The annual license fee shall be five dollars and the license shall expire on December 31 of the same year.

Sec. 23. (1) Within thirty days following the expiration of each registration and license, each registrant or licensee shall submit on a form furnished and approved by the department an annual statement setting forth, by county name, the number of net tons of each agricultural liming material sold by him or her for use in this state during the previous twelve-month period. Such statement shall be accompanied by payment of an inspection fee at the rate fixed by the director but not exceeding ten cents per ton. The fee shall be set at an amount to cover the expenses of the inspection provided in section 25 of this act and the costs of administering this section. The fee shall be paid by the person licensed or registered under section 22 of this act. In the case of a person who is a registrant and licensee, he or she shall not be subject to payment of more than one inspection fee nor required to submit more than one annual statement.

(2) The department shall publish and distribute

annually to each agricultural liming material registrant or licensee and to any other interested person upon his or her request, a composite report showing the tons of agricultural liming material sold in each county in this state. Such report shall in no way divulge the operation of any registrant or licensee.

Sec. 24. All fees paid to the department pursuant to this act shall be paid to the state treasury and by the State Treasurer credited to the Liming Materials Cash Fund, which is hereby created. All money credited to the fund shall be appropriated to the uses of the department to aid in defraying expenses of administering the provisions of this act.

Sec. 25. (1) It shall be the duty of the director or his or her duly authorized agent, to sample, inspect, make analyses of, and test agricultural liming materials distributed within this state as he or she may deem necessary to determine whether such agricultural liming materials are in compliance with this act. The director or his or her duly authorized agent, is authorized to enter upon any public or private premises or carriers during regular business hours in order to have access to agricultural liming material regulated by this act and by the rules and regulations adopted pursuant thereto, and to have access to the records relating to such material's distribution.

(2) The methods of analysis and sampling shall be those approved by the director based on methods recognized by analytical chemists or published sources.

(3) The results of official analyses of agricultural liming materials and portions of official samples shall be distributed by the department as provided in the rules and regulations at least annually.

Sec. 26. The department may issue and enforce a written or printed stop-sale, use, or removal order to the owner or custodian of any lot of agricultural liming material. The department may order the owner or custodian to hold such material at a designated place when the department finds such material is being offered or exposed for sale in violation of this act or the rules and regulations. Such material shall be released when this act or the rules and regulations have been complied with, such violations have otherwise been legally disposed of in writing, and all costs and expense incurred in connection with such material's holding have been paid.

Sec. 27. Any person violating this act shall be guilty of a Class V misdemeanor upon the first conviction thereof, and a Class IV misdemeanor for each subsequent conviction thereof.

Nothing in this act shall be construed to require the director or his or her duly authorized agent to report a violation in order to prosecute or to institute seizure proceedings as a result of minor violations of this act when he or she believes that the public interest will best be served by a suitable written warning to the violator.

Sec. 28. This act shall become operative on January 1, 1982, except that necessary actions preparatory to its implementation may be taken prior to such date.".

LEGISLATIVE BILL 452. Indefinitely postponed.
LEGISLATIVE BILL 468. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

Business and Labor

LEGISLATIVE BILL 495. Indefinitely postponed.

(Signed) Richard Maresh, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 543. Placed on General File as amended.
Standing Committee amendments to LB 543:
Req. #2162.

1. Insert new sections as follows:

"Sec. 3. That section 76-1609, Revised Statutes Supplement, 1980, be amended to read as follows:

76-1609. The Director of Economic Development shall be the ~~chairman~~ chairperson of the fund. The members shall elect from among their number a ~~vice-chairman~~ vice-chairperson and such other officers as they may determine. They shall receive no compensation for their services but shall receive reimbursement for actual and necessary reasonable expenses on the same basis and subject to the same conditions as full-time state employees.

Sec. 4. That section 76-1615, Revised Statutes Supplement, 1980, be amended to read as follows:

76-1615. Any member or employee of the fund who has, will have, or later acquires ~~an~~ a personal interest, direct or indirect, in any transaction with the fund shall immediately disclose the nature and extent of such interest in writing to the fund as soon as he or she has knowledge of such actual or prospective interest. Such disclosure shall be entered upon the minutes of the fund.

Upon such disclosure such member or employee shall not participate in any action by the fund authorizing such transaction. Actions taken when such member or employees reasonably believed that he or she had no conflict shall not be invalidated because of such conflict. The fact that a member is also an officer or owner of an orgainzation shall not be deemed to be a direct or indirect interest unless (1) such member has an ownership interest of greater than five per cent in such organization or (2) the transaction in question does not involve all similar organizations, but rather involves only the fund and such organization.

Sec. 6. That section 76-1620, Revised Statutes Supplement, 1980, be amended to read as follows:

76-1620. The fund shall have the following duties:

(1) To invest any funds not needed for immediate disbursement, including any funds held in reserve, in direct and general obligations of or obligations fully and unconditionally guaranteed by the United States of America, obligations issued by agencies of the United State of America, any obligations of the United States of America or agencies thereof, obligations of this state, or any obligations or securities which may from time to time be legally purchased by governmental subdivisions of this state pursuant to section 77-2341, except that any funds pledged to secure a bond issue shall be invested in the manner permitted by the indenture securing such bonds;

(2) To collect fees and charges, as the fund determines to be reasonable, in connection with its loans, advances, insurance, commitments, and servicing;

(3) To cooperate with and exchange services, personnel and information with any federal, state, or local governmental agency;

(4) To sell, at public or private sale, with or without public bidding, any mortgage or other obligation held by the fund; and

(5) To do any act necessary or convenient to the exercise of the powers granted by sections 76-1601 to 76-1651 or reasonably implied from it.

Sec. 8. That section 76-1631, Revised Statutes Supplement, 1980, be amended to read as follows:

76-1631. The bonds shall be authorized by a resolution of the fund, shall bear such date or dates, and shall mature at such time or times as such resolution may provide, except that no bond shall mature more than fifty years from the date of its issue, as the resolution shall provide. The bonds shall bear interest at such rate or rates, including variations of such rates, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, including redemption prior to maturity, as such resolution may provide, except that facsimile signatures of all members of the fund shall be sufficient only if the resolution requires that the trustee for such bond issue manually authenticate each bond and the resolution permits the use of facsimile signatures. The provisions of section 10-126, shall not apply to bonds issued by the fund. Bonds of the fund may be sold by the fund at public or private sale, and at such price or prices as the fund shall determine.

Sec. 9. That section 76-1635, Revised Statutes Supplement, 1980, be amended to read as follows:

76-1635. The bonds may be secured by a trust indenture, which may be in the form of a bond resolution or similar contract, by and between the fund and a corporate trustee which may be any financial institution ~~bank~~ having the power of a trust company or any trust company within or without the state. Such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the fund in relation to the exercise of its powers and the custody, safekeeping and application of all money. The fund may provide by the trust indenture for the payment of the proceeds of the bonds and the revenue to the trustee under the trust indenture or other depository, and for the method of disbursement thereof, with such safeguards and restrictions as the fund may determine. All expenses incurred in carrying out the trust indenture may be treated as a part of the operating expenses of the fund. If the bonds shall be secured by a trust indenture, the bondholders shall have no authority to appoint a separate trustee to represent them.

Sec. 10. That section 76-1638, Revised Statutes Supplement, 1980, be amended to read as follows:

76-1638. Neither the members of the fund nor any other person executing the bonds issued under sections 76-1601 to 76-1651 shall be subject to personal liability or accountability by reason of the issuance thereof. The fund shall have power to indemnify any fund member to the same extent that a school district may indemnify a school board member pursuant to section 79-4,155.

Sec. 11. That section 76-1648, Revised Statutes Supplement, 1980, be amended to read as follows:

76-1648. All property acquired or held by the fund under sections 76-1601 to 76-1651 is declared to be public property used for public and governmental purposes, and all the property, income therefrom, and bonds issued under sections 76-1601 to 76-1651, interest payable thereon and income derived therefrom, shall at all times be exempt from all taxes imposed by this state, any county, any city, or any other political subdivision of this state. If the fund is dissolved, the ownership of any assets remaining after all indebtedness and other obligations of the fund have been discharged shall pass to the state. The fund may, in the resolution authorizing the issuance of any series of bonds, elect to have the income on such bonds be subject to personal income taxation imposed by this state. The fund is hereby allocated the entire state allocation provided in the federal Mortgage Subsidy Bond Tax Act of 1980.".

2. On page 10, line 9, after "persons" insert an underscored period; and strike beginning with the comma in line 9 through the period in line 12 and show as stricken.

3. On page 11, line 2, strike "76-1619, and 76-1622" and insert "76-1609, 76-1615, 76-1619, 76-1620, 76-1622, 76-1631, 76-1635, 76-1638, and 76-1648".

4. Renumber original sections 3, 4, and 5 as sections 5, 7, and 12, respectively.

(Signed) John W. DeCamp, Chairperson

Judiciary

LEGISLATIVE BILL 346. Placed on General File as amended.
Standing Committee amendments to LB 346:

1. On page 3, line 1, after "in" insert "sections 1 to 85 of"; in line 20 strike "and"; in line 22 strike "." and insert "; and"; and after line 22 insert a new subdivision as follows: "(7) Age of majority shall mean nineteen years of age.".

2. On page 5, line 16, after the period insert "Notwithstanding any disposition entered by the juvenile court under the provisions of this act, the juvenile court's jurisdiction over any individual adjudged to be within the provisions of this section shall continue until the individual reaches the age of majority or the court otherwise discharges the individual from its jurisdiction."; in line 20 strike the underscored comma and insert "or"; and in line 21 after "infraction" insert "under the laws of this state".

3. On page 6, line 19, after "offense" insert "as defined in section 1 of this act".

4. On page 7, line 18, strike "duplicate" and insert "triplicate".

5. On page 8, line 7, after "officer" insert ", and one copy of the notice with the county attorney"; in line 22 strike "fourteen" and insert "thirteen"; in line 25 strike the second "such" and insert "the"; and in line 26 strike "some" and insert "a".

6. On page 9, line 18, after "of" insert "or adjudged to have committed".

7. On page 10, line 5, strike "either (1)"; and in line 7 strike "(2)" and insert "the court may".

8. On page 11, line 21, after the second comma insert "or".

9. On page 14, line 12, strike "or complaint".

10. On page 17, line 9, after "juvenile" insert "and such parent, guardian, or custodian".

11. On page 18, line 5, after "23." insert "(1)"; and after line 8 insert a new subsection as follows:

"(2) Notice of the time, date, place, and purpose of any juvenile court hearing subsequent to the initial hearing, for which a summons or notice has been served or waived, shall be given to all parties either in court, by mail, or in such other manner as the court may direct.".

12. On page 21, line 14, strike "state" and insert "stage".

13. On page 23, line 17, strike "and (2)" and insert ", (2), and (4)".

14. On page 24, line 4, after "hours" insert "excluding nonjudicial days".

15. On page 25, line 13, strike "7,"; and in line 17 after "reasonable" insert "period of".

16. On page 26, line 12, strike "section 42" and insert "sections 40 to 43, 45, and 46".

17. On page 30, line 26, strike "8" and insert "7 and 9".

18. On page 35, line 12, strike "such" and insert "on".

19. On page 37, line 13, strike "by-laws" and insert "regulations"; in lines 14 and 16 strike "inmates" and insert "residents"; and in lines 17 and 19 strike "inmate" and insert "resident".

20. On page 38, line 18, after "transmitted" insert "by such state agency or institution".

21. On page 44, line 24, strike the underscored comma.

22. On page 45, line 18, after "decree" insert an underscored comma; and in line 19 after "given" insert an underscored comma.

23. On page 50, strike beginning with "In" in line 23 through "include" in line 25 and insert "As used in this subsection, record information shall mean all".

24. On page 51, line 4, after "court" insert

". In all cases under subdivision (3) (a) of section 3 of this act, access to all record information"; strike beginning with "with" in line 5 through "information" in line 6 and insert "subject to applicable federal and state regulations"; and in line 14 after "information" insert "or by order of such court after a showing of good cause".

25. On page 59, line 24, after the period insert "Each court reporter shall be well-skilled in the art of stenography and capable of reporting verbatim the oral proceedings had in court.".

26. Insert a new section as follows:

"Sec. 85. This act shall be known and may be cited as the Nebraska Juvenile Code.".

27. Renumber original sections 85 to 87 as sections 86 to 88, respectively.

(Signed) Ernie Chambers, Vice Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 179 in the Journal. No objections. So ordered.

Req. #2165

1. Insert the following new section:

"Sec. 12. That section 77-1619, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1619. Whenever any judgment shall be obtained in any court of competent jurisdiction in this state for the payment of a sum of money against any county, township, school district, ~~road district, town or city~~ board of education, ~~or against any~~ municipal corporation, or other political subdivision of this state, or when any such judgment has been recovered and now remains unpaid, or when any judgment has been recovered against any officer or employee of such political subdivision and such officer or employee acted reasonably and in good faith in the performance of his or her public duty or official capacity, it shall be the duty of the ~~county board, school district board of education, city council or other corporate officers, as the case may require,~~ governing body of such political subdivision to make provision for the prompt payment of the same.".

2. On page 65, line 17, after the third comma insert "77-1619,".

3. Renumber original sections 12 to 18 as sections 13 to 19, respectively.

SELECT COMMITTEE REPORTS
Rules

The Rules Committee met Tuesday, February 10, 1981 where it was moved to indefinitely postpone the rule change proposed by Senator Maresh, relating to bill introduction (Rule 5, section 5). This motion passed by a vote of 5 to 0.

VOTE: For: Newell, Beutler, Wesely, Sieck, Kahle. Against: None. Excused: None. Absent: None.

The Rules Committee met Tuesday, February 10, 1981 and in lieu of the proposed rule change submitted by Senator DeCamp found on Journal p. 180, the attached was acted favorably on and sent to the floor for consideration.

VOTE: For: Beutler, Newell, Wesely, Sieck, Kahle. Against: None. Excused: None. Absent: None.

Rule 5
Sec. 5. Introduction of Bills, Ten Day Limitation.
(a) Except as provided in Rule 5, Sec. 7(g), no bill shall be introduced after the tenth legislative day during sessions in odd-numbered or even-numbered years, except as hereinafter provided.
(b) ~~A bill may be introduced at the request of the Governor at any time~~. A standing committee or special committee may introduce a bill for any purpose including at the request of another senator provided said bill receives the endorsement of a majority of the committee members, whose names shall be on the bill. After the tenth legislative day, any motion by a standing committee or a special committee to introduce a bill must receive a vote of three-fifths of the elected members of the Legislature for such bill to be introduced.
(c) A copy of the statement of intent of a bill recommended for introduction by a committee must be placed on each member's desk before such introduction of bill is voted upon.
(d) Individual members shall ~~not~~ be limited ~~as to bill introduction~~ as an introducer or co-introducer to a total of 15 bills during any odd-numbered year, and to a total of 7 bills during any even-numbered year. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council and bills introduced at the request of the Governor shall be included within the limitations proscribed by this section. Provided, to suspend the rules to allow a committee to exceed the ~~10~~ 8 bill limit a four-fifths vote shall be required. Bills introduced under Rule 5, Sec. 3(a) ~~and bills introduced at the request of the Governor~~ will not be included in the limitation.

The Rules Committee met Tuesday, February 10, 1981 and acted favorably on the following proposed rule changes:
1. Warner rule change to Rule 5, sec. 7, found on Journal p. 298-299, relating to fiscal notes.
2. In lieu of the new rule 8 proposed by Senator Warner, providing for a biennial appropriations resolution, the attached was advanced to the floor for consideration.

The vote on 1. and 2. above was:
For: Wesely, Newell, Beutler, Kahle, Sieck. Against: None. Excused: None. Absent: None.

NEW RULE 8, as approved by the Rules Committee Feb. 10, 1981

Sec. 1. The purpose of this Rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, and (2) restrict the growth in state appropriations.

Sec. 2. The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the recommended total General Fund appropriation for each year of the following biennium. Such report shall include information based upon the committee's initial review of (1) state agency, board and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, and (6) economic conditions affecting the State of Nebraska.

Sec. 3. The report required in Sec. 2 of this Rule shall be printed in the Legislative Journal and presented to each member of the Legislature by the Chairperson of the Appropriations Committee between twenty and thirty legislative days after the Governor presents his or her budget during sessions in odd-numbered years and between fifteen and twenty legislative days after the Governor's budget presentation during sessions in even-numbered years.

Sec. 4. Based upon the Appropriations Committee's report, the Legislature shall adopt a resolution which specifically establishes a maximum General Fund appropriation for each year of the following biennium. The Legislature shall consider such resolution no less than three legislative days after the Appropriations Committee report is distributed to members of the Legislature and the resolution is printed in the Legislative Journal. Any adoption of the resolution or amendment to the resolution which increases or decreases the maximum General Fund appropriation recommendation made under Section 2 of this Rule shall require twenty-five votes for adoption.

Sec. 5. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation provided for in Sec. 4 of this Rule which shall be allocated for the funding of "A" bills, bills that result in the reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriation bills as reported to General File by the Appropriations Committee. All "A" bills which appropriate General Funds, all bills resulting in the reduction of revenue to the General Fund, and all tax expenditure bills shall not be read on final reading until the appropriation bills which provide for the ongoing appropriation to state agencies, boards, and commissions have been considered and enacted by the Legislature. Such appropriation bills enacted, plus the allocation for the funding of "A" bills, all bills resulting in the reduction of revenue to the General Fund, and all tax expenditure bills, shall not be in excess of the maximum General Fund appropriation adopted by resolution pursuant to Sec. 4 of this Rule. The appropriation provided for in an "A" bill shall be for not less than two fiscal years.

Section 6. In order to provide a standard for reviewing competing appropriation requests within the same appropriation policy area and to provide a system for prioritizing appropriations, the priority for appropriations shall be: 1) Priority 1 - state appropriations to continue the services and financial assistance currently provided by state agencies, boards, and commissions; (2) Priority 2 - state appropriations for an increase to current appropriations due to (a) an increase in population or individuals served, (b) the cost of adding a new service, or (c) an increase in the quality of services currently provided; (3) Priority 3 - state appropriations for the continued payment of current aid to any political subdivision; (4) Priority 4 - state appropriations for increased aid to any political subdivisions pursuant to legislation passed prior to the effective date of this Rule; and (5) Priority 5 - state appropriations for legislation passed after the effective date of this Rule which requires the state to provide increased aid to political subdivisions or assume financial responsibility for services or programs currently being provided by political subdivisions. Such appropriation priorities shall be used by the Appropriations Committee of the Legislature during the development of appropriation bills which provide for the ongoing operation of state agencies, boards, and commissions.

(Signed) Don Wesely, Chairperson

COMMUNICATIONS ON LB 206 and 206A

March 16, 1981

Patrick O'Donnell
Clerk of the Legislature
Unicameral Legislature
State Capitol Building
Lincoln, NE 68509

RE: L.B. 206, Eighty-Seventh Legislature, First Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on March 16th, 1981 at 11:20 a.m., L.B. 206. Along with L.B. 206, I hereby acknowledge receipt of your cover letter and a signed certificate by Richard D. Marvel, Presiding Officer and President of the Legislature the contents of which are as follows:

> "Legislative Bill 206 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 16th day of March, 1981."

Further, I hereby acknowledge that L.B. 206, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 206 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 16th day of March, 1981.

In testimony whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this sixteenth day of March in the year of our Lord, one thousand nine hundred and eighty-one.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

March 16, 1981

Patrick O'Donnell
Clerk of the Legislature
Unicameral Legislature
State Capitol Building
Lincoln, NE 68509

RE: L.B. 206A, Eighty-Seventh Legislature, First Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on March 16th, 1981 at 11:20 a.m., L.B. 206A. Along with L.B. 206A, I hereby acknowledge receipt of your cover letter and a signed certificate by Richard D. Marvel, Presiding Officer and President of the Legislature the contents of which are as follows:

> "Legislative Bill 206A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 16th day of March, 1981."

Further, I hereby acknowledge that L.B. 206A, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 206A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 16th day of March, 1981.

In testimony whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this sixteenth day of March in the year of our Lord, one thousand nine hundred and eighty-one.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

MR. CLARK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 245. Messrs. Vickers, Dworak, Goll, Sieck, Warner, L. Johnson, Carsten, Clark, Haberman, and Koch renewed their pending amendment, Req. #2057, found in the Journal on page 868.

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Vickers requested a roll call vote.

Voting in the affirmative, 22:

Beutler
Carsten
Chambers
Clark
Cope
Cullan
Dworak
Fowler
Haberman
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Marvel
Pirsch
Stoney
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 22:

Barrett
Beyer
Burrows
DeCamp
Fenger
Fitzgerald
Goll
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Maresh
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Von Minden
Wagner

Present and not voting, 1:

Sieck

Excused and not voting, 3:

Chronister
Goodrich
Nichol

Absent and not voting, 1:

Newell

The Vickers et al amendment lost with 22 ayes, 22 nays, 1 present and not voting, 3 excused and not voting, and 1 absent and not voting.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chair declared the Call raised.

Mr. Koch renewed his pending amendment found in the Journal on page 949.

Mr. Koch asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

SPEAKER MARVEL PRESIDING

Mr. Schmit moved for a Call of the House. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Schmit requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Beyer
Burrows
Carsten
Clark
DeCamp
Fenger
Fitzgerald
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Maresh
Marvel
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner

Voting in the negative, 18:

Beutler
Chambers
Cope
Dworak
Fowler
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Pirsch
Stoney
Vickers
Warner
Wesely
Wiitala

Present and not voting, 1:

Cullan

Excused and not voting, 4:

Barrett Chronister Goodrich Nichol

Advanced to E & R for Review with 26 ayes, 18 nays, 1 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 245A. Title read. Considered.

Mr. Maresh asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 6 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 351. Title read. Considered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Advanced to E & R for Review with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 351 in the Journal. No objections. So ordered.

1. On page 4, lines 19 and 20 strike the new matter and insert "Except as provided in section 80-301,".

ANNOUNCEMENT

Mr. Hefner announced the Miscellaneous Subjects Committee will meet in executive session, 1:30 p.m., Thursday, March 19, 1981 in room 2230.

UNANIMOUS CONSENT - Member Excused

Mr. Hefner asked unanimous consent to be excused Wednesday, March 18, 1981. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Judiciary

Governor's Appointment
Verne Moore Jr. - Wednesday, March 25, 1981 1:00 p.m.
Crime Victim's Reparation Board

(Signed) William E. Nichol, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 40.

Introduced by Maresh, 32nd District; Sieck, 24th District; Warner, 25th District.

WHEREAS, the winning of a state high school basketball championship is a demonstration of the willingness to endure hard work to achieve a goal; and

WHEREAS, the Crete girl's basketball team has won the 1981 state Class B girl's basketball championship; and

WHEREAS, the Crete girl's basketball team and its coach, Dave Anderson, are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Legislature congratulates the Crete high school girl's basketball team and Coach Anderson for their Class B championship and commends the team for its sportsmanship and athletic dedication.

Laid over.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 70. Placed on General File as amended.
Standing Committee amendments to LB 70:

1. On page 1, reinstate the stricken matter.

2. On page 2, reinstate the stricken matter beginning with "polling" in line 1 through the period in line 13; reinstate the stricken matter beginning with "For" in line 14 through the period in line 17; and in line 8 after the reinstated period insert "The Secretary of State may appoint an advisory committee of not less than three persons who shall meet at the request of the Secretary of State and provide advice in the development of waiver criteria and standards. The advisory

committee shall consist of at least one architect and one disabled person and the members of the committee shall not receive any remuneration or expense.".

3. Strike original section 2.

4. On page 6, line 16, strike "sections" and insert "section" and strike "and"; and in line 17 strike "32-438" and strike "are" and insert "is".

(Signed) Martin Kahle, Chairperson

VISITORS

Visitors to the Chamber were 34 fourth grade students and teachers from Hartley School, Lincoln; students, Jim Tappero, Shelley Peters, Mary Clayson, Vickie Thomas, and teacher, Sheryl Wiitala from Westside High School, Omaha; Major General Partain, Fort Riley, Kansas; Colonel George Green; 20 eighth grade students and teachers from Nebraska City Lourdes School, Nebraska City; Senator Von Minden's son and daughter-in-law, Mr. and Mrs. Scott Von Minden of Lincoln, brother and sister-in-law, Mr. and Mrs. Harold Von Minden of Martinsburg, mother, Mrs. Lida Von Minden of Martinsburg, and sister, Mrs. George Naylor of Sioux City, Iowa; and 19 students and teachers from St. Ann's Catholic School, Lexington.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Wednesday, March 18, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 18, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 18, 1981

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Ray F. Daniel, Pastor of College View Seventh Day Adventist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hefner and Nichol who were excused; and Miss Kilgarin, Mesdames Higgins, Pirsch, Messrs. Hoagland, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fifth Day was approved.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 157. Placed on General File.

LEGISLATIVE BILL 334. Placed on General File as amended.
Standing Committee amendment to LB 334:

1. On page 2, strike beginning with "An" in line 10 through the period in line 12 and insert "A report on the receipts and expenditures from such cash fund shall be included as a part of the annual operating budget request submitted to the Legislature and the Governor. Any money in the cash fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1259."; and strike beginning with "An" in line 19 through the period in line 23 and insert "A report of the findings of any

studies done pursuant to such grants shall be included as a part of the annual operating budget request submitted to the Legislature and the Governor. Any money in the trust fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1259.".

(Signed) Jerome Warner, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 52
March 16, 1981

Re: LB 355—Interest Rates on Insurance Policy Loans

Dear Senator Kilgarin:

We have carefully examined the provisions of LB 355 and particularly the effect of section 2, as amended. This section provides:

> Sec. 2. For purposes of sections 1 to 4 of this act, published monthly average shall mean a monthly bond yield average which is:
>
> (1) Published by a national financial statistical organization;
>
> (2) Recognized by the National Association of Insurance Commissioners;
>
> (3) In current general use in the insurance industry; and
>
> (4) Designated by the Director of Insurance.

Section 3(2) of said bill then provides that the rate of interest which may be charged on a policy loan shall not exceed the higher of (a) the published monthly average for the calendar month ending two months before the date on which the rate is determined or (b) the rate used to compute the cash surrender values of the policy plus one percent per annum.

It may thus be seen that the maximum rate of interest which may be charged for a policy loan may well be the published monthly average as defined in the bill.

Article II, Section 1, of the Nebraska Constitution provides:

> The powers of the government of the state are divided into three distinct departments, the Legislative, Executive and Judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

Article III, Section 18, of the Constitution provides in part:

> The Legislature shall not pass local or special laws in any of the following cases, that is to say:
>
> . . . .
>
> . . . Provided, that notwithstanding any other provisions of this Constitution, the Legislature shall have authority to separately define and classify loans and installment sales, to establish maximum rates within classifications of loans or installment sales which it establishes, and to regulate with respect thereto. In all other cases where a general law can be made applicable, no special law shall be enacted.

In Terry Carpenter, Inc. v. Nebraska Liquor Control Commission, 175 Neb. 26 (1963), the Supreme Court of Nebraska, citing with approval Lincoln Dairy Co. v. Finigan, 170 Neb. 77, stated:

> "It is fundamental that the Legislature may not delegate legislative power to an administrative or executive authority. Smithberger v. Banning, 129 Neb. 651, 262 N.W. 492, 100 A.L.R. 686. The Legislature does have power to authorize an administrative or executive department to make rules and regulations to carry out an expressed legislative purpose, or for the complete operation and enforcement of a law within designated limitations. Such authority is administrative in its nature and its use by administrative officers is essential to the complete exercise of the powers of all departments. State ex rel. Martin v. Howard, 96 Neb. 278, 147 N.W. 689. It is fundamental, also, that in the legislative grant of power to an administrative agency such power must be limited to the expressed legislative purpose and administered in accordance with standards prescribed in the legislative act."

In the present case the Director of Insurance is given the authority to designate the national financial statistical organization which publishes a monthly bond yield average. His guidelines are that this organization must be recognized by the National Association of Insurance Commissioners and in current general use in the insurance industry.

We assume that a "monthly bond yield average" is nothing more than mathematical computation from bond yields and that since the organization is a national one recognized by the National Association of Insurance Commissioners and in current general use that it would cover a broad enough base to be an accurate reflection of national bond yields. We further presume that any organization which the Insurance Director could designate as qualified by the above language would be so based and be an accurate reflection of bond yields.

Assuming that such facts could be established, we are of the opinion that we could successfully defend the constitutionality of the above provisions. In other words, we think the Legislature has sufficiently established the maximum rates for the loans as required by Article III, Section 18, of the Nebraska Constitution and that this delegation to the director is sufficiently limited by standards that it is not an unlawful delegation of legislative authority.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 41.

Introduced by Carsten, 2nd District.

WHEREAS, ever since 1885 Arbor Day has been a legal state holiday and a day set aside to plant trees and to reflect on the contributions of trees and the need for conservation practices; and

WHEREAS, the idea for Arbor Day was presented to the State Board of Agriculture in January, 1872, and the first tree planting celebration took place in April, 1872; and

WHEREAS, Arbor Day was initiated in Nebraska by J. Sterling Morton and is now celebrated in every other state and in many other countries; and

WHEREAS, Arbor Day is on Wednesday, April 22, and celebrations are scheduled for April 23rd to the 26th at Nebraska City.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature acknowledge the continual need for citizens of this state to implement sound conservation practices to preserve our trees and our environment.
2. That the Legislature urges the citizens of this state to commemorate Arbor Day on April 22 by planting trees.

Laid over.

LEGISLATIVE RESOLUTION 42.

Introduced by Clark, 47nd District.

WHEREAS, Sidney High School at Sidney, Nebraska, is the 1981 Class B boy's basketball champion; and

WHEREAS, the Sidney High Red Raiders compiled an overall season basketball record of 21-3; and

WHEREAS, the Red Raiders from Sidney have played in the State Basketball Tournament eight out of the last ten years; and

WHEREAS, the Sidney High School sports program has produced outstanding athletes whose achievements are deserving of statewide recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes to the Red Raiders from Sidney and to their coach, Dale Rein.
2. That a copy of this resolution be sent to Coach Dale Rein and the Red Raiders.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mr. H. Peterson asked unanimous consent to be excused Thursday, March 19, Monday, March 23, and Tuesday, March 24, 1981. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 17. Title read. Considered.

Standing Committee amendments found in the Journal on page 615 for the Twenty-Eighth Day were considered.

Mr. Koch renewed his pending amendment found in the Journal on page 871 to the Standing Committee amendments.

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Koch amendment to the Standing Committee amendments was adopted with 26 ayes, 9 nays, 8 present and not voting, and 6 excused and not voting.

Standing Committee amendments, as amended, were adopted with 27 ayes, 2 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Stoney offered the following amendment:
Strike Section 7

Mr. Warner asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

The Stoney amendment lost with 8 ayes, 19 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 28 ayes, 6 nays, 8 present and not voting, and 7 excused and not voting.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on the advancement to E & R Initial of LB 17.

(Signed) Chris Beutler

UNANIMOUS CONSENT - Member Excused

Mr. Stoney asked unanimous consent to be excused Thursday, March 19, 1981. No objections. So ordered.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 285. Placed on General File as amended.
Standing Committee amendments to LB 285:
Req. #2183

1. Insert a new section as follows:

"Sec. 3. That section 39-1315.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1315.01. No road or highway shall be removed from the state highway system until a minimum of three years after such road or highway has been improved with a surface of concrete, asphalt, or material of similar quality, covering at least two traffic lanes, and then only after a determination that traffic along such road or highway is insufficient to justify retention of it as part of the state highway system. The provisions of this section shall not be construed to apply to (1) the relocation of a road or highway pursuant to subsection (2) of section 39-1309 or (2) temporary detours or detours designated pursuant to section 1 of this act.".

2. On page 4, line 14, strike "3" and insert "4", strike "section" and insert "sections", and after "39-1309" insert "and 39-1315.01"; and in line 15 strike "is" and insert "are".

(Signed) Maurice Kremer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 446. Title read. Considered.

MR. CLARK PRESIDING

Standing Committee amendments found in the Journal on page 663 for the Thirty-First Day were considered.

Mr. Vickers requested a division of the question on the committee amendments.

The Chair sustained the division.

The first amendment is found in the Journal on page 667, numbers 12 and 13 as follows:

12. On page 62 reinstate the stricken matter.

13. On page 63, reinstate the stricken matter, in line 3 before the reinstated "In" insert "The Secretary of State shall include a statement to be published along with the argument declaring that such argument offered and published is not an argument made or opinion held by the state."; and in line 10, strike "If".

The first division of the Standing Committee amendments lost with 12 ayes, 18 nays, 13 present and not voting, and 6 excused and not voting.

The remaining Standing Committee amendments found in the Journal on page 663 were adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Kahle renewed his pending amendment found in the Journal on page 668.

Mr. Kahle asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Kahle offered the following amendment:

1. Strike standing committee amendment number 2.
2. Renumber standing committee amendments 3 to 17 as 2 to 16 respectively.

The amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Burrows offered the following amendment:
Req. #2176

1. On page 5, line 21, after "provide" insert "(a)"; and in line 27 after "direct" insert "and (b) for a registration of electors of the county not previously registered to vote at each polling place on the day of the primary or general election. Any person who registers to vote at a polling place shall be prohibited from voting in such election".
2. Insert new sections as follows:

"Sec. 35. That section 32-216.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-216.01. The election officials responsible for voter registration may, during any of the last seven days prior to the deadline for registration, cause their offices to be open at times in addition to the hours during which they are required by law to be open in order for qualified electors to register to vote, but on the final day of registration as provided by law, such offices shall close at 6:00 p.m. Nothing in this section shall preclude registration as prescribed in subsection (4) of section 32-216.

Sec. 36. That section 32-221, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-221. The election commissioner or deputy commissioner, acting for him or her, or county clerk shall receive the application for registration of all ~~voters~~ electors as shall personally apply for voter registration at the office of the election commissioner or county clerk or other places designated for registration, including those places provided in subsection (4) of section 32-216, who then are, or on the day of election next following the day of making such application, will be entitled to vote. Any elector who registers to vote on election day shall not be allowed to vote in the election. Any elector, absent from the county of his or her residence, who may qualify to vote may register by mail during the regular registration period. Any elector absent from the county may be registered with the absent voter's ballot by filling in the required information on the two registration forms accompanying the absent voter's ballot and subscribing to such registration under oath as provided in section 32-813. Such registration and absent voter's ballot shall be mailed under separate cover to the election commissioner or to the county clerk, who shall preserve such registrations with the other registration records.".

3. On page 79, line 17, after the first comma insert "32-216.01, 32-221,".

4. Renumber original section 35 as section 37.

SPEAKER MARVEL PRESIDING

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Burrows amendment lost with 11 ayes, 22 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Koch offered the following amendment:

Amend LB 446 page 61 line 20 and 21 - reinsert stricken language and strike Attorney General

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Koch amendment was adopted with 27 ayes, 5 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Landis requested a record vote.

Voting in the affirmative, 35:

Beutler
Beyer
Burrows
Carsten
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 10:

Barrett	Clark	Haberman	Johnson, V.	Marsh
Chambers	Cullan	Higgins	Labedz	Schmit

Excused and not voting, 4:

Goodrich	Hefner	Nichol	Warner

Advanced to E & R for Review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. L. Johnson asked unanimous consent to be excused Thursday, March 19, 1981. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 18, 1981

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the State Electrical Board, requiring legislative confirmation:

> Reappointment:
> Paul Mead, 3205 Avenue E, Kearney 68847, term expiring September 13, 1985;
> Appointments:
> Dennis Schroeder, 10306 South 144th, Omaha 68138, term expiring September 13, 1983, succeeding Ralph Crowl, resigned;
> Dennis Vanosdall, 1905 South Holland Drive, Box 2097, Grand Island 68801, term expiring September 13, 1985, succeeding Robert Chase, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Appointees
State Electrical Board

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Sieck asked unanimous consent to have his name added to LB 423. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 311 in the Journal. No objections. So ordered.

Req. #2189

1. Insert the following new section:

"Sec. 2. That section 14-1041, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1041. A metropolitan water or metropolitan utilities district shall keep all funds, accounts, and obligations relating to any one utility under its management separate and independent from the funds and accounts of each other utility under its management. The cost of any consolidated operation shall be allocated to the various utilities upon some reasonable basis determined by its board of directors; Provided, that for the purposes of this section the collection of sewer use fees for metropolitan cities shall not be considered as a utility. It shall have separate power to provide for the cost of operation, maintenance, depreciation, extension, construction, and improvement of any utility under its management, applying thereto standard accounting principles. The metropolitan water or utilities district shall pay to ~~said metropolitan city~~ the county treasurer of the county in which such district sells water or gas, or both, at retail a sum equivalent to ~~two~~ five per cent of the annual gross revenue derived from all retail sales of water and gas sold by such districts within ~~such metropolitan city~~ the cities and villages of every class located within such county. Such sum shall be paid on a quarterly basis, the last quarterly payment to be made not later than the thirtieth day of January of the next succeeding year; Provided, annual payments ~~to such metropolitan city~~ shall not be less than five hundred thousand dollars, except that the payment due for 1967 shall be limited to two per cent of such revenue realized in 1967, after October 23, 1967, plus a prorated share of the annual amount due for the calendar year 1967 under this section as it existed before the passage of ~~sections~~ section 14-1041, ~~and 14-1042,~~ which prorated share shall be paid on October 23, 1967. Such ~~metropolitan~~ city or village shall not levy or collect any license, occupation, or excise tax upon or from such district. All payments provided by this section shall be allocated by the metropolitan water or utilities district among the several utilities operated by it upon such basis as such district shall determine. All payments which are based on retail revenue from each incorporated city or village shall be divided and distributed by the county treasurer to such city or village, to the school districts located or partially located within such city or village, and to the county in which any such incorporated city or village may be located as follows: (1) Ten per cent shall be placed in the county general fund, (2) fifty per cent shall be apportioned to the public school districts of the county based on the proportion that the average daily membership at public elementary and secondary schools in the district bears to the average daily membership for the entire county as certified to the county treasurer by the county superintendent, and (3) forty per cent shall be apportioned among the cities and villages on the basis that the population of such cities and villages bears to the population of the entire county.".

2. On page 3, line 9, strike "section" and insert "sections" and after "14-1005" insert "and 14-1041"; and in line 10 strike "is" and insert "and also section 14-1042, Reissue Revised Statutes of Nebraska, 1943, are".

3. Renumber original section 2 as section 3.

Mr. Wesely asked unanimous consent to print the following amendment to LB 361 in the Journal. No objections. So ordered.

Req. #2190

1. Insert the following new section:

"Sec. 2. That section 60-1407.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1407.03. Notwithstanding the other provisions of Chapter 60, article 14, restricting sales to an established place of business, any licensed motor vehicle, motorcycle, or trailer dealer may be granted a special permit to display and sell passenger cars, motor vehicles, motorcycles, trailers, or self-propelled motor homes at fairs, sports shows, vacation shows, and similar events, subject to the conditions established by sections 60-1407.02 to 60-1407.05.".

2. On page 3, line 1, strike "section" and insert "sections" and after "60-311.02" insert "and 60-1407.03"; and in line 2 strike "is" and insert "are".

3. Renumber original section 2 as section 3.

Mr. Koch asked unanimous consent to print the following amendment to LB 245 in the Journal. No objections. So ordered.

1. In the committee amendments, on page 1, strike beginning with "two" in line 16 through the underscored comma in line 17; and in line 18 strike "two" and insert "four".

Mr. Chambers asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.
Amend the DeCamp amendment:
Page 914, line 16, after "employee", add:

> "Provided, in the case of disobedience to unambiguous statutory provisions, costs and attorney fees shall be paid by the public official or employee."

Mr. Newell asked unanimous consent to print the following amendment to LB 47 in the Journal. No objections. So ordered.

Req. #2188

1. On page 2, line 3, after the stricken "Motor" insert "In cities of the metropolitan or primary class which have not adopted an ordinance conforming to section 2 of this act, motor"; and strike the new matter and reinstate the stricken matter beginning with "vehicles" in line 3 through line 25.

2. Insert the following new section:

"Sec. 2. Except in cities of the metropolitan or primary class, any person parking a motor vehicle in a properly posted, restricted parking lot without the consent of the owner or tenant authorized to give permission shall be guilty of an infraction and the vehicle shall be subject to being towed away at the request of such lot owner or tenant. Any person found guilty under this section shall be subject to the penalties provided in section 29-436 for infractions. If the identity of the operator of a motor vehicle in violation of this section cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such infraction. When any law enforcement officer observes or is advised that a motor vehicle may be in violation of this section, he or she shall make a determination as to whether a violation has in fact occurred and, if so shall personally serve or attach to such motor vehicle a citation pursuant to the provisions of section 29-424, directed to the owner or operator of such vehicle, which shall set forth the nature of the violation. Any person who refuses to sign the citation or otherwise comply with the command of the citation shall be punished as provided by section 29-426. As used in this section, law enforcement officer shall include any authorized representative of a law enforcement agency.''

3. Renumber original sections 2 and 3 of this act as sections 3 and 4, respectively.

Messrs. Koch and Burrows asked unanimous consent to print the following amendment to LB 190 in the Journal. No objections. So ordered.

Req. #2184

1. Insert new sections as follows:

"Sec. 3. As used in sections 3 to 10 of this act, unless the context otherwise requires:

(1) Caboose shall mean any railroad car or coach used on a train to carry a crew;

(2) Marker shall mean any lamp providing illumination by electrical power which is to be displayed on a railroad car or coach for safety purposes;

(3) Terminal shall mean a system of tracks designed for the purpose of coupling and uncoupling railroad cars; and

(4) Commission shall mean the Public Service Commission.

Sec. 4. Sections 3 to 10 of this act shall apply to all cabooses except those used in terminal service, or operating within a two-mile limit of a terminal.

Sec. 5. (1) Except as provided in section 4 of this act and subsections (2) and (3) of this section, and the rules and regulations adopted and promulgated pursuant to section 9 of this act, whenever a railroad operates a freight train in this state, the rear car of the freight train shall be an occupied caboose.

(2) The commission may grant exemptions from the requirements of subsection (1) of this section for certain railroad freight train operations upon application by a railroad and upon a finding that the operations proposed for exemption would not adversely affect the safety of the public or the employees of the railroad. Prior to granting any exemption, the commission shall take into consideration the need to

maintain and monitor adequate air pressure in the train's braking system, the need to monitor the operation of the train while in motion, the need for adequate, safe, and sanitary facilities for all crew members on the train and the need for adequate rear-end protection of the train, including rear-end illumination in compliance with federal regulations. In granting an exemption pursuant to this section, the commission shall specify the conditions under which the exemption is granted.

(3) A defective freight car that cannot be entrained except behind the caboose may be the rear car from the point at which it is entrained, other than a terminal, to the first terminal where repairs can be made.

Sec. 6. (1) Electric lighting of at least forty footcandles shall be provided for direct illumination of the caboose desk, toilet facilities, and outside platforms.

(2) A first aid kit shall be mounted in all cabooses.

(3) All cabooses shall be equipped with at least one portable foam, dry chemical, or carbon dioxide type fire extinguisher with a minimum capacity of one and one-quarter gallons or five pounds.

(4) Operable radios of the same frequency shall be in both the lead engine and the caboose of every train.

Sec. 7. A caboose shall not be placed in service unless it is in compliance with all of the provisions of sections 3 to 9 of this act. Conductors will not be censured or disciplined for refusing to depart a terminal with a caboose that does not meet the specifications described in sections 3 to 9 of this act. Conductors and brakemen shall not be required to service or supply cabooses.

Sec. 8. A register for the operating of failures of the required equipment or standards of maintenance shall be maintained on all cabooses. The register shall contain sufficient space to record the dates and particulars of each failure. The commission shall provide rules and regulations for the use of this register, including a requirement that the record of reported failures be maintained not less than twenty days from the date of the most recent failure.

Sec. 9. The commission shall adopt and promulgate rules and regulations to implement and enforce sections 3 to 9 of this act.

Sec. 10. Any person violating the provisions of sections 3 to 9 of this act shall be guilty of a Class IV misdemeanor for each offense.".

2. Renumber original sections 3 to 5 as sections 11 to 13, respectively.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LB 17.

(Signed) Karen Kilgarin

RESOLUTIONS

LEGISLATIVE RESOLUTION 43.

Introduced by Marvel, 33rd District.

WHEREAS, the people of the West African nation of Nigeria have chosen a democratic form of government through their Constitution signed in 1979; and

WHEREAS, this Constitution has established a National Assembly and nineteen unicameral state assemblies and has provided for their staffing; and

WHEREAS, the National Assembly and the state legislatures of Nigeria have sought to strengthen their legislatures by sending delegations of their legislative staffs to the United States for training; and

WHEREAS, as a part of this training program a delegation of legislative staff from Nigeria is in Nebraska and is presently observing the only unicameral legislature in the United States.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the members of the Nigerian Legislative Staff Training Program who are observing the Nebraska Unicameral Legislature are hereby welcomed and recognized, and their efforts and the efforts of their homeland toward establishing and preserving a democracy for their people are congratulated and applauded.

Laid over.

LEGISLATIVE RESOLUTION 44.

Introduced by Koch, 12th District.

WHEREAS, high school athletics in Nebraska teach young athletes the importance of sportsmanship and the competitive spirit; and

WHEREAS, Filley, Nebraska has had an all-time state basketball record of seventy-eight straight victories and has won the past two Class D boy's basketball championships; and

WHEREAS, Filley was runner-up in the Class D boy's basketball state championship this season losing to Hordville by one point; and

WHEREAS, the Filley coach and team members displayed outstanding sportsmanship in the manner in which they accepted the second place Class D championship after their one point loss to Hordville.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations to the Filley boy's basketball team and its Coach Eldon Johnson for their outstanding record and display of sportsmanship and competitive spirit.
2. That a copy of this resolution be delivered to the Filley boy's basketball team and its coach.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 26. Read. Considered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

LR 26 was adopted with 31 ayes, 2 nays, 12 present and not voting, and 4 excused and not voting.

EXPLANATION OF VOTE

Had I been present on 3/17/81, I would have voted in favor of the motion to advance LB 245 and LB 245A.

(Signed) Bill Barrett

VISITORS

Visitors to the Chamber were 90 twelfth grade students and teachers from Westside High School, Omaha; 95 fourth grade students and teachers from Montclair Elementary School, Millard; 31 students and teachers from Burwell Junior and Senior High School; Mrs. Emma Balke from Auburn; 35 students and teachers from Randolph School, Lincoln; and 75 United Methodist Women from the Lincoln District.

ADJOURNMENT

At 12:07 p.m., on a motion by Mr. Maresh, the Legislature adjourned until 9:00 a.m., Thursday, March 19, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - MARCH 19, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 19, 1981

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Randall Sailors, First United Methodist Church, Waverly, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Nichol, H. Peterson, and Stoney who were excused; and Mrs. Pirsch, Messrs. Beutler, Cullan, Fowler, Hoagland, V. Johnson, and Koch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Sixth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 245. Placed on Select File as amended.
E & R amendment to LB 245:
1. In committee amendments, page 1, line 8, strike

"Lancaster County,".

2. In the title, strike lines 3 to 5 and insert: "Lincoln; to authorize the planning and construction of a Regional College of Veterinary Medicine as prescribed; to amend section 85-180.01, Revised Statutes Supplement, 1981; to repeal the original section; and to".

LEGISLATIVE BILL 245A. Placed on Select File.

LEGISLATIVE BILL 351. Placed on Select File as amended.
E & R amendment to LB 351:

1. On page 4, lines 14 and 15 and line 20, strike "a legislative bill" and insert "statute".

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 424. Placed on General File.

LEGISLATIVE BILL 248. Placed on General File as amended.
Standing Committee amendments to LB 248:
Req. No. 2078

1. Insert three new sections as follows:

"Section 1. That section 79-1522, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1522. (1) Upon retirement under the provisions of sections 79-1520 and 79-1521, if he or she has five or more years of creditable service, a member or emeritus member shall receive a school retirement allowance which shall consist of the sum of: (a) A savings annuity which shall be the acturarial equivalent, as determined by the retirement board, of the member's accumulated contributions at the time of his or her retirement, or, in the case of an emeritus member, the savings annuity fixed by the retirement board at the time of his or her original retirement; and (b) a service annuity to be paid by the State of Nebraska. The amount of any individual service annuity for a full-time school employee or emeritus member shall be three dollars and fifty cents per month for each year of service commencing with his or her retirement on or after ~~July 1, 1973~~ the effective date of this act. Each school employee or emeritus member who retired before July 1, 1973 and who is receiving a service annuity as of that date shall have such service annuity adjusted by the increase in the cost of living as determined by the difference between the Consumers Price Index for Urban Wage Earners and Clerical Workers from the date the service annuity commenced and July 1, 1973, except that such annuity shall not exceed three dollars and fifty cents monthly per year of service, based on the same number of years of service that is currently being used to determine his or her service annuity. Such increased service annuity shall commence on July 1, 1973.

(2) Under such rules and regulations as the board may prescribe, an employee, upon becoming a member, may receive credit for not to exceed ten years of creditable teaching service rendered in public schools in another state if such member shall have paid into the school retirement system of the State of Nebraska an amount equal to the required deposits he or she would have paid had he or she been employed in this state, with such required deposits to be paid as the board may direct within three years after membership in the retirement system begins.

(3) A member who retires as a school employee of this state shall not receive credit for time in service outside of this state in excess of the time he or she has been in service as a school employee in this state. In order to receive such out-of-state credit such member must be employed as a school employee in this state at the time of his or her retirement.

(4) For a beneficiary who is employed as a public school substitute employee for more than ninety days in any school year the state service annuity shall be

reduced by fifty per cent; Provided, a person receiving retirement benefit may waive the payments and return to regular employment in a public school of this state if the beneficiary shall notify the retirement board in advance of the time and place of such employment. This notice shall be in writing upon forms prescribed by the retirement board. Any person collecting retirement payments without filing such notice shall be subject to a withholding of future retirement benefits equal to twice the amount collected after being regularly employed. The amount of individual service annuity for a part-time employee shall be determined on a proportional basis.

Sec. 3. That section 79-1540, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1540. On the basis of all data in the possession of the retirement board, including such mortality and other tables as shall be recommended by the actuary, who shall be a member of the American Academy of Actuaries, engaged by the retirement board and adopted by the retirement board, the retirement board shall annually, on or before July 1, determine the state deposit to be made by the state in the Service Annuity Fund for that fiscal year. The amount of such state deposit shall be determined on the basis of an annual actuarial valuation to be sufficient to fully fund the service annuities earned in that fiscal year and to fund the unfunded accrued liabilities for all service annuities earned prior to that year by level payments up to January 1, 1994 in the amounts established prior to the effective date of this act. Any increase in the unfunded accrued liability that arises as a result of increasing the amount of the service annuity on or after the effective date of this act shall increase the state deposit by an amount sufficient to fund the increase in the unfunded accrued liability by level payments for the twenty-five year period following the date the increase becomes effective. The retirement board shall thereupon certify and, on the warrant of the Director of Administrative Services, the State Treasurer shall, as of July 1 of such year, transfer from funds appropriated by the state for that purpose to the Service Annuity Fund in the retirement system the amount of such state deposit.

Sec. 4. That original sections 79-1522, 79-1522.01, and 79-1540, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. Strike original section 2.

3. Renumber original section 1 as section 2.

LEGISLATIVE BILL 463. Placed on General File as amended.
Standing Committee amendments to LB 463:

1. Strike original sections 1 to 6.
2. On page 13, strike beginning with "section" in line 15 through "35-212," in line 17, and insert "sections".
3. Renumber remaining sections accordingly.

LEGISLATIVE BILL 367. Indefinitely postponed.

(Signed) Steve Fowler, Chairperson

Appropriations

LEGISLATIVE BILL 381. Placed on General File as amended.
Standing Committee amendment to LB 381:
Req. No. 2186

1. On page 3, lines 4 and 13, after "81-163" insert "and 81-1118 to 81-1118.03"; in lines 5, 6, and 9 strike the new matter and reinstate the stricken matter; in lines 10 through 12 reinstate the stricken matter; and in line 12 after the reinstated "state" insert "but section 83-146 shall apply to such products".

2. On page 4, reinstate the stricken matter beginning with "(4)" in line 3 through "furnished" in line 5, and after "furnished" in line 5 insert an underscored semicolon; in line 11 strike "(4)" and insert "(5)"; in line 12 after "81-163" insert "or sections 81-1118 to 81-1118.03"; in line 17 strike "(5)" and insert "(6)"; in line 22 strike "(6)" and insert "(7)"; and in line 24 strike "(7)" and insert "(8)".

3. On page 5, line 1, strike "(8)" and insert "(9)".

4. Insert a new section as follows:

"Sec. 5. That section 81-159, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-159. Each using agency shall, at the time, in the form and for the periods prescribed by the materiel division, present to it detailed requisition for all articles or property to be purchased or leased. The materiel division shall then arrange such schedules as are included in or covered by the requisition for purchase and contract and for advertising them, in the manner best calculated to attract competition and advantageous price as set forth in sections 81-145 to 81-163 and 81-1118 to 81-1118.03. It shall prescribe the terms and conditions for delivery, inspections, and all other details thereof. Subsequent to the receipt of bids and prior to the awarding of any contract of purchase or lease, the materiel division shall present the requisition to the Director of Administrative Services with notation of the lowest and best bid. The Director of Administrative Services shall check the amount of money necessary to defray the cost thereof against the appropriation of the using agency, indicating the appropriation or authorization to spend funds against which the proposed purchase or lease will be charged. Such requisition shall be approved by the Director of Administrative Services unless it shall appear that the free balance of any appropriation or authorization to spend is not sufficient to cover the charge proposed against it.".

5. On page 7, line 20, after "agency" insert "office"; and in line 25 after "dollars" insert ", except that no agency office located in Lancaster County shall purchase directly those items available from the materiel division's central stores".

6. Insert new sections as follows:

"Sec. 8. That section 81-163.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-163.01. Whenever the words Purchasing Agent appear in sections 81-145 to 81-162 and sections 81-164 to 81-172, they shall after ~~December 25, 1969~~ the effective date of this act mean and refer to the materiel division of the Department of Administrative Services, and the functions, powers, and duties thereof are transferred and allotted to the materiel division of the Department of Administrative Services. The Revisor of Statutes is authorized and directed to substitute the name of the materiel division with the transfer of functions, powers, and duties.

Sec. 9. That section 81-166, Revised Statutes Supplement, 1980, be amended to read as follows:

81-166. The ~~State Purchasing Agent under the direction of the Director of Administrative Services~~ materiel division shall keep an accurate record of the postage used by each state officer, department, commission, board, bureau, court, or other agency and charge such state officer, department, commission, board, bureau, court, or other agency with the exact amount of postage so used plus administrative and operational costs. Administrative and operational costs shall ~~not exceed ten per cent~~ be charged as a percentage of the amount charged for postage. Such charge shall, as nearly as may be practical, reflect the actual administrative and operational costs of the Central Mailing Room and its related activities. The percentage charge shall annually be reported to the Legislature's Committee on Appropriations. Rates planned for the coming fiscal year shall be included in the instructions for completion of budget request forms as annually prepared by the Department of Administrative Services' budget division. If rate revisions are required during the fiscal year to reflect changes in the administrative and operational costs, these revisions shall be announced to each state officer, department, commission, board, bureau, court, or other agency at least thirty days prior to their use.".

7. On page 16, line 19, after "date" insert ". Such reports shall be required on all projects costing five hundred thousand dollars or more and on such other projects as may be designated by the division"; and in line 26 after "statement" insert ". Such reports shall be required on all projects costing five hundred thousand dollars or more and on such other projects as may be designated by the division".

8. On page 17, line 4, after the period insert "The information on such reports shall be submitted to the division by the agency responsible for the project.".

9. On page 20, line 12, after "charges" insert "for employee and state vehicle parking"; and in line 15 after the period insert "Receipts from public parking charges shall be paid into the Department of Administrative Services Cash Fund and shall be used for the purpose of funding projects designed to restore the Capitol building to its original condition.".

10. On page 25, line 8, after "coordinate" insert "and approve"; and in line 19 after "budget" insert "and to ensure that adequate cash is available for payment".

11. On page 29, line 7, strike "and"; in line 10 strike the period, show as stricken, and insert "; and"; after line 10 insert "(d) Other relevant criteria as determined by the budget administrator."; and in line 26 strike "five" and insert "~~five~~ one hundred".

12. On page 36, line 10, after "Such" insert "standard rate"; in line 11 after "costs" insert "incurred in the", and strike beginning with "of" in line 11 through "in" in line 12 and show as stricken.

13. On page 39, line 22, after "agencies" insert "other than the University of Nebraska".

14. Insert new sections as follows:

"Sec. 33. That section 83-145, Revised Statutes Supplement, 1980, be amended to read as follows:

83-145. All departments, institutions, and agencies of this state, which are supported in whole or in part by taxation for state purposes, and all counties and other governmental subdivisions of this state shall purchase from the Department of Correctional Services all articles required by the departments, institutions, and agencies of the state, or by the counties or other governmental subdivisions, produced, printed, or manufactured by offenders or misdemeanants confined in facilities of the Department of Correctional Services, or elsewhere, including products of any farms operated by the department unless such articles of equal quality and materials could be purchased from another supplier at a lesser cost. The quality and materials must be certified as being equal by the ~~Director of Correctional Services~~ materiel division of the Department of Administrative Services. No such article shall be purchased by any department, institution, or agency of the state from any other source unless excepted from the provisions of this section as provided in sections 83-144 to 83-152. Printing by offenders or misdemeanants shall be restricted to such as may be required at the various institutions under the jurisdiction of the department and such other printing requirements as may be determined by the materiel division of the Department of Administrative Services pursuant to subdivision (3) of section 81-1118. No products of any institutional printing plant, other than that used by departments, institutions, agencies, and other political subdivisions of the state, shall be sold in competition with outside labor. Nothing in this section shall be construed to prohibit the department from exchanging Department of Correctional Services-made goods with other states. Goods received from divisions of corrections outside of Nebraska shall be of the same status and will be subject to the same restrictions and penalties as if they had been manufactured in the Nebraska Department of Correctional Services. In cases of exchange of Department of Correctional Services-made goods with other states, the department is authorized to pay or receive in cash any differences that may exist in the articles exchanged, the amounts paid or received to be charged or credited to the Nebraska State Use System of Department of Correctional Services Employment Fund.

In exchange of Department of Correctional Services-made goods with other states, the goods received in exchange shall be restricted to such use and needs as may be required in the various institutions under the jurisdiction of the department. Any authorized agency, bureau, commission, or department of the federal government may purchase from the Department of Correctional Services goods produced or manufactured by offenders or misdemeanants confined in facilities of the Department of Correctional Services, or elsewhere, including products of any farms operated by the department.

Sec. 34. That section 83-147, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-147. The Director of ~~Correctional~~ Administrative Services may create an exception from the mandatory provisions of sections 83-144 to 83-152 when in the opinion of the director, the article produced or manufactured does not meet the reasonable requirements of the department, institution, or agency of the state. ~~,~~ ~~or~~ The Director of Correctional Services may create an exception from the mandatory provisions of sections 83-144 to 83-152 in any case where the requisition made cannot be completely complied with on account of an insufficient supply of the article or supplies required, or otherwise. No such department, institution, or agency of the state shall be allowed to evade the intent and meaning of this section by slight violations from standards adopted by the department, when articles produced or manufactured by it in accordance with its standards are reasonably adapted to the actual needs of the department, institution, or agency.".

15. On page 44, line 27, after the first comma insert "81-159," and after "81-161.03," insert "81-163.01,".

16. On page 45, line 1, strike "and"; in line 2 after the first comma insert "and 83-147,"; in line 3 after "sections" insert "81-166,"; and in line 4 strike "and" and before "Revised" insert "and 83-145,".

17. Renumber original sections 5 and 6, 7 to 29, and 30 to 37 as sections 6 and 7, 10 to 32, and 35 to 42, respectively.

LEGISLATIVE BILL 116. Indefinitely postponed.
LEGISLATIVE BILL 484. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Public Works

LEGISLATIVE BILL 230. Placed on General File as amended.
Standing Committee amendment to LB 230:

1. On page 2, line 16, strike "subsection" and insert "section 2 of this act and subsections"; and in line 17 after "(2)" insert "and (3)", after "section" insert a comma, and after "adopted" insert "and promulgated".

2. On page 3, strike beginning with "(1)" in line 16 through line 27.

3. On page 4, strike line 1, in line 2 strike "(3)" and insert "(1)"; strike lines 6 through 13 and lines 16 through 18; in line 14 strike "(6)" and insert "(2)"; in line 19 strike "(8)" and insert "(3)"; and after line 22 insert the following new subsection:

"(4) Operable radios of the same frequency shall be in both the lead engine and the caboose of every train.".

LEGISLATIVE BILL 511. Placed on General File as amended.
Standing Committee amendment to LB 511:

1. On page 2, line 6, after "except" insert "(a)"; in line 7 after the first comma insert "(b)", and after the second comma insert "(c)"; strike the new matter in lines 10 through 15; in line 17 after the comma insert "(d)"; in line 18 after the first comma insert "(e)"; in line 21 after the comma insert "(f) trucks, truck-tractors, and semitrailer combinations which are not for hire and are used exclusively for transporting water-well-boring apparatus to and from the well site, including well-site excavating machinery or equipment, the well rig, boom truck, and water tank truck,", and strike the first "and" and insert "~~and~~ (g)"; and in line 27 after the first comma insert "and", and after "and" insert "(h)".

(Signed) Maurice Kremer, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR's 26, 28, 30, 31, 32, 35, 36, 37, 38, and 39.

ATTORNEY GENERAL'S OPINION

Opinion No. 53
March 18, 1981

Dear Senator DeCamp:

This is in response to your letter of March 16, 1981, concerning the constitutionality of a proposed amendment to LB 245. The amendment which would add a new section to this bill reads as follows:

> No state appropriations shall be obligated nor shall any bonds be authorized for the Regional College of Veternary Medicine herein authorized for construction until and unless federal funds in the amount specified in Section 2 hereof have been appropriated for the project by the United States Government.

Your concern was whether this amendment constituted an improper delegation of legislative authority. We do not believe that it does.

This amendment would simply establish a condition or contingency, which when satisfied, would allow the other portions of the bill to become operative. The well recognized rule of law in this area is that, "The legislature cannot delegate its powers to make a law, but it can make a law to become operative on the happening of a certain contingency or on an ascertainment of a fact upon which the law intends to make its own action depend." State v. Padley, 195 Neb. 358, 360, 237 N.W.2d 883 (1976). See also, Lennox v. Housing Authority of City of Omaha, 137 Neb. 582, 290 N.W. 451 (1940).

That is precisely the case with this proposed legislation, as opposed to any actual delegation of authority to the United States Government. Thus the proposed amendment appears to be constitutional in this regard.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) John Boehm
Assistant Attorney General

JB:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

APPRECIATION

Received note of appreciation from Senator Marge Higgins for expressions of condolences in memory of her mother.

SELECT FILE

LEGISLATIVE BILL 174. E & R amendment found in the Journal on page 817 for the Fortieth Day was adopted.

Mr. Hoagland moved to indefinitely postpone.

Laid over.

LEGISLATIVE BILL 190. E & R amendments found in the Journalon page 873 for the Forty-Second Day were adopted.

Mr. Schmit moved to indefinitely postpone.

Laid over.

LEGISLATIVE BILL 220. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 151. E & R amendments found in the Journal on page 873 for the Forty-Second Day were adopted.

Mr. Vickers renewed his pending amendment found in the Journal on page 838.

Mr. Vickers asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Wagner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Kahle requested a machine vote.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. V. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Beutler
Cope
Goodrich
Koch
Pirsch
Burrows
DeCamp
Higgins
Labedz
Von Minden
Carsten
Dworak
Hoagland
Landis
Wagner
Chambers
Fitzgerald
Johnson, V.
Marsh
Wesely
Clark
Fowler
Kilgarin
Newell
Wiitala

Voting in the negative, 20:

Barrett	Beyer	Chronister	Fenger	Goll
Haberman	Hefner	Johnson, L.	Kahle	Kremer
Lamb	Maresh	Marvel	Peterson, R.	Remmers
Rumery	Schmit	Sieck	Vickers	Warner

Excused and not voting, 4:

Cullan	Nichol	Peterson, H.	Stoney

Advanced to E & R for Engrossment with 25 ayes, 20 nays, and 4 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Marsh asked unanimous consent to have her name added to LR 43. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 43. Read. Considered.

LR 43 was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 350. Indefinitely postponed.
LEGISLATIVE BILL 420. Indefinitely postponed.

(Signed) David Landis, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached Reference Report No. 6, Governor's appointments.

Miscellaneous Subjects
Paul Mead, State Electrical Board
Dennis Schroeder, State Electrical Board
Dennis Vanosdall, State Electrical Board

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

SELECT FILE

LEGISLATIVE BILL 179. E & R amendments found in the Journal on page 873 for the Forty-Second Day were adopted.

Mr. Lamb renewed his pending amendment, Req. No. 2165, found in the Journal on page 976.

Mr. L. Johnson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Chambers offered the following amendment to the Lamb amendment:
Disobedience to unambiguous statutory provisions shall not be deemed reasonable or good faith action by a public official or employee

Mr. Chambers asked unanimous consent to withdraw his amendment. No objections. So ordered.

The Lamb amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Lamb offered the following amendment:
Add the Emergency Clause to LB 179.

The amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

SPEAKER MARVEL PRESIDING

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 3. Placed on General File as amended.
Standing Committee amendment to LB 3:
1. On page 9, strike beginning with "Manufacturing" in line 1 through "in" in line 2 and insert "New manufacturing and processing equipment purchased on or after January 1, 1982, for use directly in manufacturing or processing operations located in a manufacturing facility of new construction begun on or after July 1, 1981. For purposes of this subdivision, the term new construction shall not include an expansion or renovation of an existing facility, unless such facility is expanded or renovated for purposes of enabling different".

LEGISLATIVE BILL 6. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 366. Placed on General File as amended.
Standing Committee amendment to LB 366:
Req. No. 2170

1. Strike the original sections and insert new sections as follows:

"Section 1. That section 15-1001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-1001. Every primary city shall pension all ~~firemen~~ firefighters and ~~policemen~~ police officers whenever such ~~firemen~~ fire fighters or ~~policemen~~ police officers shall (1) have first served in the paid fire or police department for a period of twenty-one years, (2) have attained the age of fifty-five years, and (3) elect to retire from active service and go upon the retired list. Such pension shall be paid by the city in the same manner as salaries of ~~firemen~~ fire fighters and ~~policemen~~ police officers upon the active list are paid and such pension shall be a straight life pension of ~~fifty~~ fifty-four per cent of the regular pay for such ~~fireman~~ fire fighter or ~~policeman~~ police officer paid monthly. The pension of a ~~policeman~~ police officer or ~~fireman~~ fire fighter who elects to remain on active duty after becoming eligible for retirement shall be increased by two per cent of his or her regular pay for each year of additional service, subject to a maximum increase of ten per cent. Any ~~fireman~~ fire fighter or ~~policeman~~ police officer who retires on or after his or her fiftieth birthday but prior to his or her fifty-fifth birthday and who has completed at least twenty-one years of service shall receive the actuarial equivalent of the benefit which would otherwise be provided at age fifty-five.

Sec. 2. That section 15-1001.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-1001.01. As used in sections 15-1001 to 15-1018, unless the context otherwise requires:

(1) Regular pay shall mean the average pay of a ~~fireman~~ fire fighter or ~~policeman~~ police officer for the ~~five~~ three years preceding the date such ~~fireman~~ fire

fighter or ~~policeman~~ police officer elects to retire or his or her death, whichever is earlier; and

(2) Regular interest shall mean the rate of interest earned each calendar year, commencing January 1, 1976, as determined by the city in conformity with actual and expected earnings on investment of the fund created by section 15-1016. Whenever such interest is required to be credited to any ~~fireman~~ fire fighter or ~~policeman~~ police officer under the provisions of sections 15-1001 to 15-1018, such interest during any calendar year or portion of such year shall be based upon his or her accumulated contributions on January 1 of that year.

Sec. 3. That section 15-1007, Revised Statutes Supplement, 1980, be amended to read as follows:

15-1007. Except as provided in section 4 of this act, from ~~From~~ and after December 25, 1969, every firefighter or police officer shall contribute to the city an amount equal to seven per cent of his or her salary, until such firefighter or police officer shall be entitled to retire or otherwise become eligible for a pension under the provisions of sections 15-1001 to 15-1015, which amount ~~may~~ shall be deducted from the salary of every such firefighter or police officer. No firefighter or police officer, continuing in the employment of the city as a member of such department after becoming eligible to retire at age fifty-five with twenty-one years of service, shall be required to make any further contribution.

Sec. 4. (1) Except as provided under subsection (2) of this section, every firefighter and police officer first employed by the city after the effective date of this act and every firefighter and police officer employed by the city on the effective date of this act who makes the appropriate election provided for under section 6 of this act shall contribute to the city an amount equal to seven per cent of his or her salary until such firefighter or police officer shall retire or otherwise receive a pension under the provisions of sections 15-1001 to 15-1015, which amount shall be deducted from the salary of every such firefighter and police officer.

(2) Any firefighter or police officer who elects to and does remain on active duty after becoming eligible to retire shall cease his or her contributions to the city when such firefighter or police officer completes five years of active service after becoming eligible to retire pursuant to the provisions of section 15-1001.

Sec. 5. Every firefighter and police officer first employed by the city after the effective date of this act and every firefighter and police officer employed by the city on the effective date of this act who files the appropriate election as provided for under section 6 of this act shall, at the time of retirement, be paid a sum equal to all contributions made by such firefighter or police officer to the city pursuant to section 15-1007 and section 4 of this act prior to the twenty-one years immediately preceding the retirement of the firefighter or police officer or age fifty-five, whichever event first occurs, plus regular interest on such contributions.

Sec. 6. Every firefighter and police officer employed by the city on the effective date of this act shall have thirty days within which to file with the city a written notice of an election to make contributions and receive benefits pursuant to sections 4 and 5 of this act. If the firefighter or police officer fails to file such notice he or she will continue to make contributions under section 15-1007, and shall not receive the benefits provided under section 5 of this act.

Sec. 7. That section 15-1013.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-1013.02. Any ~~fireman~~ firefighter or ~~policeman~~ police officer of a primary class city who terminates employment, either voluntarily or involuntarily, for reasons other than death or disability before becoming eligible to retire shall: ~~have the option to receive one of the following benefits:~~

(1) Receive the ~~The~~ lump-sum return of accumulated contributions with regular interest to the date of termination if he or she has less than ten years of service; ~~or~~

(2) If he or she has ten years or more of service but has not attained age fifty, have the option to receive:

(a) The lump-sum return of accumulated contributions with regular interest to the date of termination and a reduced paid-up deferred annuity, if any, equal to the deferred annuity to commence at age fifty-five reduced by the portion of these benefits that are actuarially equivalent to the amount of the employee contributions and interest withdrawn. Actuarial equivalence shall be based on procedures and assumptions recommended by an actuary who is a member of the American

Academy of Acutaries and authorized by the administering board; or

(b) A deferred annuity to commence at age fifty-five on a regular basis or at age fifty on an actuarially equivalent basis; or

~~(2)~~ (3) ~~In lieu of such lump-sum benefit, a member with ten or more years of service may elect to receive~~ Receive a deferred annuity to commence at age fifty-five on a regular basis or at age fifty on an actuarially equivalent basis if he or she has ten years or more of service and has attained the age of fifty. ~~If this election is made,~~ In this event the accumulated contributions of the member may not be withdrawn from the system. The deferred annuity to commence at age fifty-five shall be computed as fifty per cent of his or her regular pay at the date of termination multiplied by the ratio of the years of his or her service at the date of termination to ~~the larger of the number of years from his date of employment to the attainment of age fifty-five or~~ twenty-one, such ratio not to exceed one. In the event of the death of a terminated member during the deferred period, the accumulated contributions with regular interest to the date of death shall be paid as a lump-sum benefit.

Sec. 8. That section 15-1020, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-1020. Persons covered by sections 15-1019 to 15-1021 shall receive a monthly supplemental pension payment which shall be in such amount that, when added to current monthly benefit payments, the total minimum monthly payment shall be ~~two~~ three hundred dollars, except that such minimum benefits shall not apply to children receiving pension benefits.'

Sec. 9. For purposes of subdivision (2) of section 77-3424, new program shall include all contributions by a city of the primary class to a retirement system established pursuant to Chapter 15, article 10, for one calendar year after the effective date of this act.

Sec. 10. That original sections 15-1001, 15-1001.01, 15-1013.02, and 15-1020, Reissue Revised Statutes of Nebraska, 1943, and section 15-1007, Revised Statutes Supplement, 1980, are repealed.".

(Signed) Steve Fowler, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 415. Placed on General File as amended. Standing Committee amendment to LB 415:

1. On page 6, line 20, after "each" insert "facility through the".

2. On page 10, line 3, strike "of" and insert "within"; and in line 14 after "any" insert "program funded in whole or in part under this act and to the".

3. On page 11, line 6, strike "director" and insert "Governor".

4. On page 12, strike beginning with "Federal in line 2 through the period in line 4 and show as stricken; and in lines 8 and 13 after "71-5014" insert "and sections 10 to 13 of this act".

5. On page 13, strike the new matter in lines 8 and 9 and insert an underscored period; and in line 26 strike "for" and insert "of".

6. On page 15, strike beginning with "Such" in line 8 through the period in line 9; in line 26 after "each" insert "facility funded in whole or in part under this act, through the"; and in line 27 after "committee" insert an underscored comma.

7. On page 16, line 1, strike "region's" and insert "facility's"; in line 10 strike "regional"; and in line 25 strike "region's".

8. On page 19, line 22, strike "mental health, drug abuse, and", and show as stricken.

9. On page 21, line 2, strike "the Beatrice State Developmental Center,", and show as stricken; and at the end of line 5 insert "mental".

10. On page 22, line 8, after the second comma insert "and", and strike the third comma; and in line 9 strike "and fee schedules".

11. On page 23, line 13, strike "uniform".

12. On page 25, line 24, after "services" insert "and the community mental health centers".

13. On page 27, strike beginning with "The" in line 12 through the period in line 26 and insert "Each community mental health center shall have a board of directors responsible for the operation of that facility. Such board of directors may be composed of county commissioners and supervisors.".

(Signed) Samuel K. Cullan, Chairperson

Urban Affairs

LEGISLATIVE BILL 324. Placed on General File as amended.
Standing Committee amendment to LB 324:

1. Strike original sections 1 and 2.
2. Insert a new section as follows:

"Section 1. Any firefighter of a primary class city who terminates his or her employment and receives the benefit provided under subdivision (1) of section 15-1013.02 may, upon becoming reemployed as a firefighter by such city, repay to the city in a lump sum the benefit received under subdivision (1) of section 15-1013.02 plus regular interest thereon from the date of termination to the date of reemployment and upon payment of such amount receive a pension service credit for the prior period of employment.".

(Signed) David Landis, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 43.

SELECT FILE

LEGISLATIVE BILL 204. E & R amendments found in the Journal on page 873 for the Forty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 204A. Mr. Wagner renewed his pending amendment found in the Journal on page 899.

The amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 56. E & R amendments found in the Journal on page 898 for the Forty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 313. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 84. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 47. E & R amendments found in the Journal on page 898 for the Forty-Third Day were adopted.

Mr. Newell renewed his pending amendment, Req. No. 2188, found in the Journal on page 999.

The Newell amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 290. E & R amendments found in the Journal on page 927 for the Forty-Fourth Day were adopted.

Mr. DeCamp offered the following amendment:

1. In the Committee Amendment found at page 721 of the Legislative Journal, on page 1, line 2, strike "background" and insert "entire surface".

2. On page 2 of the bill, strike beginning with "secure" in line 20 through "background" in line 22 and insert "make every reasonable effort to secure qualified bids for such license plates in accordance with specifications prepared by a committee consisting of the Director of Motor Vehicles, the superintendent of the Nebraska State Patrol, the Attorney General, the Director of Correctional Services, and the Director of Administrative Services".

Mr. Haberman requested a division of the question on the DeCamp amendment.

The Chair sustained the division.

The first amendment is as follows:

1. In the Committee Amendment found at page 721 of the Legislative Journal, on page 1, line 2, strike "background" and insert "entire surface".

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The first amendment was adopted with 32 ayes, 0 nays, 13 present and not voting and 4 excused and not voting.

The second amendment is the remaining number 2 of the DeCamp amendment.

Mr. Koch offered the following amendment to the DeCamp amendment (2):

After the sentence ending with Services add, The Director of Motor Vehicles shall serve as the Chairman and still be responsible for carrying out the intent of this section.

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Koch amendment to the DeCamp amendment (2) was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Haberman offered the following amendment to the DeCamp amendment (2):

remove the words "Director of Correctional Services"

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Haberman amendment to the DeCamp amendment (2) lost with 10 ayes, 15 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The DeCamp amendment (2), as amended, lost with 16 ayes, 23 nays, 6 present and not voting, and 4 excused and not voting.

Laid over temporarily.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

(Amendments printed separate and on file in the Clerk's office - Req. No. 2118.)

ATTORNEY GENERAL'S OPINION

Opinion No. 54
March 18, 1981

Dear Senator DeCamp:

You have requested the opinion of this office regarding certain provisions contained in LB 76. Specifically, you have inquired as follows:

> The question was raised . . . as to whether the method of handling vehicle seizure was constitutional since it made a class of the driver of the car who coincidentally had to also be the owner before seizure came into effect. Please advise if this is constitutional and if not what changes would be needed to make a seizure program constitutional.

We conclude that LB 76 is constitutionally suspect due to the creation of an unjustifiable class. Our analysis follows.

LB 76 creates a class of persons who are sole owners of vehicles. Persons in this class are subject to forfeiture of their vehicles if used by them to flee in an attempt to avoid arrest or citation. It was stated in Taylor v. Karren, 196 Neb. 581, 244 N.W.2d 201 (1976), that:

> The Legislature may make a reasonable classification of persons, corporations and property for purposes of legislation concerning them, but the classification must rest upon real differences of situation and circumstances surrounding the members of the class, relative to the subject of the legislation, which render appropriate its enactment.

Quoting from State ex rel. Rogers v. Swanson, 192 Neb. 125, 219 N.W.2d 726. It has uniformly been held that, to be valid, the classification must bear a rational relationship to a legitimate state purpose. Parker v. Roth, 202 Neb. 850, 278 N.W.2d 106 (1979).

Seizure of vehicles which have been used in the commission of crimes is rationally related to legitimate state purposes:

> Forfeitures of conveyances that have been used - and may be used again - in violation of the . . . laws fosters the purposes served by the underlying criminal statutes, both by preventing further illicit use of the conveyance and by imposing an economic penalty, thereby rendering illegal behavior unprofitable.

Calero-Toledo v. Pearson Yacht Leasing Co., 416 U.S. 663 (1974).

However, we have difficulty conceiving of a rational relationship between the sole owner classification and the preceeding purposes. The purpose of preventing further illicit use would be served by seizing a vehicle when the accused was a sole owner, joint owner, lessor or borrower. The purpose of imposing an economic penalty would be served where the accused had any interest in the vehicle, be it sole, joint or leasehold. While the law governing classifications is not subject to doctrinal definition, we conclude that the sole owner classification is constitutionally suspect.

We briefly note that there are permissible classifications which do not encompass all vehicles used to avoid arrest. For example, an exception for vehicles stolen from an innocent third party would pass constitutional muster. It would be difficult to catalogue every permissible classification.

We can only emphasize that to be valid a class must bear a rational relationship to a legitimate state purpose.
This opinion is specifically limited to the classification issue. We do not express an opinion on any other facet of LB 76.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Martel J. Bundy
Assistant Attorney General

MJB:pes
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Members Excused

Mr. Koch asked unanimous consent to be excused on Monday, March 23, and Tuesday, March 24, 1981. No objections. So ordered.

Mr. Fitzgerald asked unanimous consent to be excused on Monday, March 23, 1981. No objections. So ordered.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 200. Placed on General File.
LEGISLATIVE BILL 326. Placed on General File.

LEGISLATIVE BILL 146. Placed on General File as amended.
Standing Committee amendment to LB 146:
Req. No. 2166

1. Insert the following new section:

"Section 1. That section 46-609, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-609. (1) After September 20, 1957, no irrigation well shall be drilled upon any land in this state within six hundred feet of any ~~other~~ registered irrigation well except any well the water from which is used solely for domestic, culinary, stock use on a ranch or farm, or the watering of lawns and gardens for family use or profit where the area to be irrigated does not exceed two acres and except as provided in section 46-610; Provided, that any irrigation well which replaces an irrigation well drilled prior to September 20, 1957, and which is less than six hundred feet from ~~another~~ a registered irrigation well shall be drilled within fifty feet of the old well.

(2) The spacing protection of subsection (1) of this section shall apply to an unregistered well for a period of thirty days after completion of such well.”.

2. On page 2, line 15, before “present” insert “available data, evidence, or other information indicates that”.

3. On page 3, line 24, strike “contamination or other alteration of the” and show as stricken; strike the new matter in lines 26 and 27 and insert “degradation of the quality of ground water sufficient to make such ground water unsuitable for present or reasonably foreseeable beneficial uses.”.

4. On page 4, line 1, strike the new matter.

5. On page 5, line 4 strike “Uncontrolled development”, show the old matter as stricken, and insert “Development”; and strike beginning with “to” in line 16 through “resource” in line 18.

6. On page 6, line 3, before “anticipated” insert “reasonably”.

7. Insert the following new section:

“Sec. 5. Any violation of a cease and desist order issued by a district pursuant to sections 46-656 to 46-674 shall be a Class IV misdemeanor.”.

8. On page 11, line 17, after the semicolon insert “and”; and strike lines 18 through 26.

9. On page 12, line 1, strike “(e)” and insert “(b)”; in line 3 before “possible” insert “reasonably”, and after the comma insert “taking into account the type of irrigation system being used,”; in line 25 after “varying” insert “ground water uses or”; and in line 26 strike the first “or”.

10. On page 13, line 5, after the second “different” insert “categories of ground water use or”; and in line 8 after “varying” insert “ground water uses or”, and after “controls” insert “for different categories of ground water use”.

11. On page 16, line 1, after “sections” insert “46-609,”, and after 46-656” insert a comma.

12. Renumber original sections 1 to 3 as sections 2 to 4 and original sections 4 to 8 as sections 6 to 10, respectively.

LEGISLATIVE BILL 147. Indefinitely postponed.
LEGISLATIVE BILL 398. Indefinitely postponed.

(Signed) Maurice Kremer, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 389. Placed on General File as amended.
Standing Committee amendment to LB 389:
Req. 2185

1. On page 2, line 9, strike "care" and insert "institutional or residential"; and in line 26 strike "efficient" and insert "effective".

2. On page 3, strike beginning with "or" in line 7 through "months" in line 10 and insert "disability, resulting from and limited to cerebral palsy, cystic fibrosis, multiple sclerosis, muscular dystrophy, paraplegia, quadriplegia, autism, or spina bifida"; and strike lines 21 through 27.

3. On page 4, line 1, strike "(3)" and insert "(1)", strike the first comma and insert "or", and strike ", or education"; in line 6, strike "(4)" and insert "(2)"; in line 11 after the semicolon insert "and"; strike lines 12 and 13; in line 14 strike "(6)" and insert "(3)"; in line 19 after "family" insert "(1)"; in line 20 strike "and" and insert ", (2)"; in line 21 strike "(1)" and insert "(a)" and strike "(2)" and insert "(b)"; and in line 23 after "act" insert ", and (3) has insufficient income and resources to provide for the total cost of care for the disabled family member".

4. On page 5, line 2, strike "an"; in line 3 after "income" insert "and resources"; in line 13 before "The" insert "(1)"; in line 17 after "act" insert a period; strike beginning with "and" in line 17 through line 19 and insert "The maximum support allowable under this act shall be three hundred dollars per month per disabled person averaged over any one-year period. The department shall not provide support in excess of six hundred dollars per month to any single family unit, except those involving independent living situations, notwithstanding the number of disabled persons in the family.

(2) The maximum support allowable shall be available to families and disabled persons meeting the following income guidelines:

Family Size	Maximum Net Family Income For Those Eligible To Receive The Maximum Support Allowable
1 or 2	$ 9,406
3	$11,619
4	$13,832
5	$16,045
6	$18,259

For families in excess of six persons add one thousand dollars for each additional family member to the maximum net family income.

(3) A family or disabled person may receive up to (a) two-thirds of the maximum support allowable, if the income of the family or disabled person exceeds the income guidelines specified in subsection (2) of this section by ten per cent or less, and (b) one-third of the maximum support allowable, if the income of the family or the disabled person exceeds the income guideline specified in subsection (2) of this section by twenty per cent or less.

(4) Funding under this act shall be distributed proportionately to all eligible recipients."; in line line 22 strike "may" and insert "shall"; and in line 24 after "income" insert "and resources".

5. On page 6, line 12, before "The" insert "The support available under this act shall be supplemental to other support programs for which the family or disabled person is eligible and is not intended to reduce the responsibility for the provision of services and support by such other programs."; in line 13 after "appropriate" insert "to"; in line 14 strike "the" and insert "other"; in line 15 strike ", or a portion thereof,"; and in line 16 after "appropriate" insert "to".

6. On page 7, line 4, strike "for support under"; in line 5 strike "this act"; and in line 21 strike "annually" and insert "on a regular basis, as established by the department,".

7. On page 8, line 15, strike "and"; in line 19 strike the period and insert "; and"; after line 19 insert the following new subdivision:

"(6) Procedures and guidelines for determining when support pursuant to this act would be a duplication of support from other support programs or would result in excessive support to a family or disabled person."; strike beginning with the comma in line 23 through line

27 and insert "to families and disabled persons eligible to receive support pursuant to this act.".

8. On page 9, strike beginning with "than" in line 1 through the period in line 2; in lines 3 and 4 strike "handicapped" and insert "disabled"; in line 6 after "persons" insert "(1)"; in line 9 after "situation" insert ", (2) who have the greatest possibility of maintaining the disabled person in the home or independent living situation on a continual basis, and (3) who demonstrate that support pursuant to this act will provide the most cost effective form of care for the disabled person".

9. Strike original section 12.

10. Renumber original sections 13 to 20 as sections 12 to 19, respectively.

LEGISLATIVE BILL 107. Indefinitely postponed.

(Signed) Samuel K. Cullan, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

(Final Reading Copy)

Req. No. 2205

1. Insert the following new sections:

"Sec. 4. The Legislature finds and declares that the law should permit necessary escalation of force directed against an offender to effect his or her apprehension so long as it is the minimum force reasonable necessary to overcome his or her efforts either to evade apprehension or to cause harm to others.

The Legislature further declares that negligent or reckless actions committed by law enforcement officers during their efforts in pursuit of actual or suspected violators or in responding to emergencies which damage or injure innocent persons are hereby prohibited and that the duty to avoid damage or injury to innocent third parties is superior to that of pursuit or emergency response.

The Legislature declares to be the policy of this state that, although law enforcement officers are not responsible for damage or injury caused solely by the acts of violators themselves, policy considerations require that such officers balance the necessity for pursuit or apprehension against the probability and severity of damage or injury.

Sec. 5. For purposes of sections 4 to 20 of this act, unless the context otherwise requires, the definitions found in sections 6 to 13 of this act shall apply.

Sec. 6. High speed shall mean seventy-five to one hundred per cent of the maximum speed at which a vehicle may be safely operated considering the nature, condition, and type of roadway, volume and direction of the flow of traffic, presence of intersections, visibility, and weather conditions.

Sec. 7. Overtake shall mean pursuit of a motorist, who is not yet aware that he or she is being pursued, in order to (1) position the police vehicle so that audible or visual signals to halt can effectively be communicated to the motorist, (2) continuously communicate audible or visual signals to the motorist until he or she becomes aware of them, and (3) position the police vehicle so that the officer may more effectively observe the motorist, his or her vehicle, or his or her passengers or load.

Sec. 8. Officer or police officer shall mean any member of a police department or law enforcement agency of any city, village, county, or other political subdivision of this state or any member of the Nebraska State Patrol.

Sec. 9. Police vehicle or unit shall mean any motor vehicle owned by any political subdivision of this state or owned by this state and used in connection with police or law enforcement activities and appropriately marked indicating it to be an official police vehicle or unit.

Sec. 10. Pursuit shall mean an active attempt by a law enforcement officer on duty in a police vehicle or unit to apprehend one or more occupants of a moving motor vehicle, providing the driver of such vehicle is aware or should be aware of the attempt and is resisting apprehension by maintaining or increasing his or her speed or ignoring the attempt of a law enforcement officer to stop him or her.

Sec. 11. Evader shall mean a driver who continues to drive his or her vehicle, refusing to stop, when he or she knows or should know of the audible or visual signals to do so directed to him or her by an officer, but who does not attempt to escape by driving recklessly or at high speeds. The officer shall be in uniform prominently displaying his or her badge of office and his or her vehicle shall be appropriately marked indicating it to be an official police vehicle.

Sec. 12. Reckless evader shall mean a driver who, in order to escape or avoid apprehension by a police officer, drives his or her vehicle recklessly or at speeds which are so extreme under the conditions prevailing that his or her involvement in a collision is probable should he or she continue.

Sec. 13. Initial pursuing vehicle shall mean the police vehicle which initiates a pursuit or any vehicle which assumes control of the pursuit.

Sec. 14. (1) Except as provided in subsection (2) of this section, an officer operating a police vehicle shall not disregard stop signs or signals or exceed maximum speed limits unless he or she is sounding a siren as reasonably necessary to warn other highway users and is displaying a lighted red lamp if his or her vehicle is so equipped with such lamp.

(2) If the officer operates his or her vehicle with due care for the safety of all persons and not in reckless disregard for the safety of others, such officer engaged in pursuit of another vehicle or responding to an emergency call for service may, without operating his or her emergency warning devices, (a) exceed maximum speed limits or disregard regulations governing the turning in specified directions, if he or she has probable cause to believe that, if his or her presence is discovered, (i) evidence of a suspected felony or other serious offense may be destroyed or lost, (ii) the suspect may cease a suspected continuing offense before the officer has acquired sufficient evidence to establish grounds for arrest, or (iii) the suspect may attempt to evade apprehension before the officer is sufficiently close to assure an apprehension or an identification of the violator or his or her vehicle, or (b) exceed maximum speed limits where the pursuit is conducted in his or her direction of travel on a multilaned roadway when he or she has reason to believe that the traffic conditions are such that movements of motorists in response to the warning devices would increase the potential for collision or unreasonably extend the duration of the pursuit.

(3) An officer engaged in overtaking shall not exceed the maximum speed limit by more than twenty miles

per hour unless such a rate would unreasonably extend the pursuit or the matter involves one or more of the exceptions stated in subsection (2) of this section and a higher speed is therefore necessary.

Sec. 15. In case of death, injury, or property damage to any innocent third party as a result of action taken by an officer under the provisions of sections 4 to 20 of this act, damages shall be paid to such third party by the state or political subdivision employing the officer. Payment of such damages by the state or political subdivision shall not relieve the officer from any liability which may attach for violating any provisions of sections 4 to 20 of this act.

Sec. 16. No officer shall, for the purpose of restricting or blocking the path of a reckless evader, hold at a standstill, stop, or slow all traffic upon a highway or elsewhere with vehicles operated and occupied by innocent third parties.

Sec. 17. In the course of pursuit, deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches, or any other obstacle shall be prohibited. Any pursuing vehicle shall maintain a safe distance from any pursued vehicle to avoid collision in case of a sudden stop. Reckless or hazardous driving maneuvers shall not be duplicated by any pursuing vehicle.

Sec. 18. (1) Only the initial pursuing police vehicle shall engage in high-speed pursuit, except that nearby units may move to intercept the fleeing vehicle.

(2) Intercepting police vehicles shall avoid intersecting the path of an oncoming high-speed vehicle for the purpose of blocking the roadway. No assisting police vehicle shall move toward the route of a high-speed pursuit without notifying the pursuing officer or the dispatcher of his or her movement.

Sec. 19. The high-speed pursuit of a reckless evader by ground units, through heavy traffic or densely populated areas, shall be abondoned when:

(1) The original violation was a traffic offense;

(2) No felony has been committed during the pursuit;

(3) There is no probable cause to believe that the reckless evader is attempting escape from apprehension for any felony; or

(4) It is reasonable to believe that the evader

will discontinue his or her reckless and high-speed vehicle operation if the pursuit is abondoned. If at any point the identity of the driver of the pursued vehicle becomes known, and the reason for the pursuit is a traffic violation or the commission of a misdemeanor, the pursuit shall terminate and the driver of the pursued vehicle shall be apprehended at a later time.

Sec. 20. The officer in the initial pursuing unit of a high-speed pursuit is authorized to abandon that pursuit in the interest of safety, and his or her decision to do so shall be immediately communicated by him or her or the base station to all other units involved. Thereafter, all police vehicles shall abandon such high-speed pursuit.".

2. On page 5, after line 21 insert:

"No policy shall be adopted and implemented by a law enforcement agency under this section unless it meets the requirements of sections 4 to 20 of this act, however additional restrictions on the manner high speed chases are conducted may be imposed by such agency.".

3. Renumber original sections 4 and 5 as sections 21 and 22 respectively.

STANDING COMMITTEE REPORTS

Public Health and Welfare

LEGISLATIVE BILL 487. Placed on General File as amended.
Standing Committee amendments to LB 487:
Req. No. 2126

1. Insert the following new sections:

"Section 1. That section 41-104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

41-104. Every building or other structure, temporary or permanent, whether it be a fixture or an article of a chattel nature which can be severed from the land, kept, used, maintained, advertised, or held out to the public to be a place where meals and lunches are served, regularly or casually, with or without sleeping accommodations, together with all outbuildings in connection therewith, shall for the purpose of sections ~~41-101~~ 41-104 to 41-114 and 41-118 to 41-121, be defined to be a restaurant, and upon proper application, the Department of Agriculture shall inspect said restaurant, and if from the inspection it is found that sections 81-2,111 to 81-2,119 have been complied with, the department shall issue to the person owning such business a certificate of registration for a restaurant. For the purpose of inspection required by sections 81-2,111 to 81-2,119, the director shall have the authority to enter into a contract with any municipality under the terms of which such municipality shall perform such inspections. All inspectors hired after October 23, 1967, shall be registered sanitarians.

Sec. 4. That section 41-111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

41-111. The Department of Agriculture shall, upon request, furnish to any applicant for a certificate under sections ~~41-101~~ 41-104 to 41-114 and 41-118 to 41-121 the necessary blank, which the applicant shall fill in, stating the full name and address of the owner and agent of the building, or both, the lessee and manager, together with a full description of the building and property to be used, and the location of same. The application shall be accompanied by the registration fee.

Sec. 10. That section 41-120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

41-120. If, upon inspection, the Department of Agriculture shall find that any of the provisions of sections ~~41-101~~ 41-104 to 41-114 and 41-118 to 41-121 are being violated, it shall serve notice in writing upon the owner, agent, lessee, or manager of the building or premises, which notice shall specify the time allowed for complying with the provisions hereof, and that if, upon expiration of such time, the provisions of said sections have not been complied with, a restraining order and injunction shall issue upon a complaint showing such violation.

Sec. 11. That section 41-121, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

41-121. Any person violating any of the provisions of sections ~~41-101~~ 41-104 to 41-114 and 41-118 to 41-120 shall be guilty of a Class III misdemeanor.”.

2. Strike original sections 6, 9 through 18, and 22.

3. On page 2, line 5, strike “hotel,” and show as stricken; strike beginning with the first comma in line 6 through “apartment house” in line 7 and show as stricken; in line 8 after “registration” insert an

underscored period, and strike beginning with "for" through the period in line 13 and show as stricken; strike beginning with "hotel," in line 15 through "or" in line 16 and show as stricken; and in line 24 strike the semicolon and insert "~~;~~.", and strike beginning with "for" through "hotel," in line 27 and show as stricken.

4. On page 3, strike beginning with "apartment" in line 1 through the period in line 6 and show as stricken; strike beginning with "hotel," in line 12 through "or" in line 13 and show as stricken; strike beginning with "The" in line 15 through the period in line 16 and show as stricken; strike beginning with "hotel" in line 20 through "and" in line 21 and show as stricken; and strike beginning with "Each" in line 24 through "upon" in line 27 and show as stricken.

5. On page 4, strike lines 1 through 4 and show as stricken; strike beginning with "hotel," in line 10 through " and" in line 11 and show as stricken; strike beginning with "hotels," in line 14 through "or" in line 15 and show as stricken; strike beginning with "hotel," in line 21 through "or" in line 22 and show as stricken; and strike beginning with "Separate" in line 26 through the period in line 27 and show as stricken.

6. On page 5, strike beginning with "All" in line 21 through the period in line 26 and show as stricken; and strike beginning with "hotel" in line 26 through line 27 and show as stricken.

7. On page 6, line 1, strike "camp, motel, or" and show as stricken, strike the comma after "restaurant" and show as stricken, and strike the final "or" and show as stricken; in line 2 strike "bedbugs," and show as stricken; in line 3 strike "or bedbugs" and show as stricken; strike beginning with "hotel," in line 8 through "or" in line 9 and show as stricken; in line 15 strike "41-101" and insert "~~41-101~~ 41-104 to 41-114 and 41-118"; and strike beginning with "hotel," in line 23 through "or" in line 24 and show as stricken.

8. On page 16, line 23, strike "sections 22 and 23" and insert "section 15".

9. On page 17, line 3, after "centers," insert "residential care facilities, and "; strike beginning with the first comma in line 4 through "homes" in line 5 and show the old matter as stricken; strike beginning with "For" in line 18 through "nothing" in line 20, show the old matter as stricken, and insert "Nothing"; and in line 22 strike "sections 22 and 23" and insert "section 15".

10. On page 19, line 2, after the second comma

insert “or”, and strike “, or agency” and show as stricken; and in line 12 before “building” insert “or” and strike “, or agency” and show the old matter as stricken.

11. On page 20, lines 6 and 9, after the second comma insert “or”, and strike “, or agency” and show as stricken.

12. On page 21, lines 4, 15, and 25, after the third comma insert “or”, and strike “, or agency” and show as stricken; and in line 20, strike “age,” and show as stricken.

13. On page 22, line 3, strike “age,” and show as stricken; in line 10 strike “personal”, show as stricken, and insert “and”, and strike “or” and insert “such as”; in line 13 strike “age,” and show as stricken; strike beginning with “who” in line 16 through “and” in line 17 and show as stricken; in line 20 after “(9)” insert “Residential care facility shall mean any institution, facility, place, or building providing for a period exceeding twenty-four consecutive hours accommodation, board, and care to four or more individuals, not related to the owner, occupant, manager, or administrator thereof, who are essentially capable of managing their own affairs but who are in need of supervision by the facility on a regular, continuing basis. This definition shall not include those homes or facilities providing casual care at irregular intervals;”; and strike beginning with “Boarding” in line 20 through “ who” in line 27 and show the old matter as stricken.

14. On page 23, strike lines 1 through 15 and show the old matter as stricken; in lines 16 and 25 strike the new matter and reinstate the stricken matter; in line 17 after the third comma insert “or”, and strike “, or agency” and show as stricken; in line 26 after the second comma insert “or”; and in lines 26 and 27 strike “or agency” and show as stricken.

15. On page 24, line 11, strike the new matter and reinstate the stricken matter; and in line 12 after the third comma insert “or”, and strike “or agency” and show as stricken.

16. On page 25, line 6, strike the new matter and reinstate the stricken matter; and in line 7 after the third comma insert “or”, and strike “or agency” and show as stricken.

17. On page 26, line 8, strike "sections 22 and 23" and insert "section 15"; and strike beginning with "boarding" in line 10 through "home" in line 11, show the old matter as stricken, and insert "residential care facility".

18. On page 27, line 10 after the second comma insert "or"; strike beginning with the third comma in line 10 through the comma in line 11; in line 15 strike "22" and insert "15"; strike beginning with "41-109" in line 16 through "41-127," in line 17 and insert "41-104, 41-109 to 41-114, and 41-118 to 41-121,";and in line 19 strike "section 41-102," and insert "sections 41-101 to 41-103, 41-115 to 41-117, and 41-122 to 41-130,".

19. Renumber original sections 1, 2, 3, 4, 5, 7, 8, 19 to 21, 23, and 24 as sections 2, 3, 5, 6, 7, 8, 9, and 12 to 14, 15, and 16, respectively.

(Signed) Samuel K. Cullan, Chairperson

Education

LEGISLATIVE BILL 305. Placed on General File.

LEGISLATIVE BILL 316. Placed on General File as amended.
Standing Committee amendments to LB 316:

1. On page 8, line 18, strike the first "of" and insert "~~of~~ traveled one-way from"; in line 19 strike "from" and insert "~~from~~ to" and strike "four" and insert "~~four~~ three"; in line 24 after "distance" insert "traveled one-way"; in line 26 after "distance" insert "traveled one-way"; and in line 27 strike the new matter.

2. On page 9, line 1, reinstate the stricken matter; in line 6, strike the first "of" and insert "~~of~~ traveled one-way from", and strike "from" and insert "~~from~~ to"; in line 7 strike "four" and insert "~~four~~ three", strike the underscored period; and reinstate the stricken matter commencing with the semicolon in line 7 through the period in line 20.

3. On page 10, lines 2 through 4 strike the new matter and reinstate the stricken matter; and strike lines 20 through 27.

4. On page 11, strike lines 1 through 12.

5. Insert a new section as follows:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 318. Placed on General File as amended. Standing Committee amendments to LB 318:

1. Strike original sections 1 and 2.

2. On page 13, line 2, strike "and" and insert ",", and after "proficiency" insert ", and gifted education"; in line 7 strike "resident"; in line 23 strike "increase" and insert "rate", and strike "resident" and insert "pupil"; in line 26 strike "2.0" and insert "increased by 1.0"; and after line 26 insert a new subdivision as follows: "(c) The rate for each pupil who has enrolled in an approved program for gifted education on the last Friday in September of the immediately preceding school year shall be increased by .3.".

3. On page 14, line 1, strike "2" and insert "4", and strike "sections 79-486 and" and insert "section"; and in line 3 strike "79-4,102,", and strike the comma after "79-1333".

4. Renumber original sections 3 to 5 as sections 1 to 3, respectively.

LEGISLATIVE BILL 338. Placed on General File as amended. Standing Committee amendments to LB 338:

1. On page 3, line 25, after "those" insert "class".

2. On page 4, line 3, strike the first comma and insert "and"; and strike ", and" and insert a period; in line 4 strike "meals."; in line 6, strike "shall be considered implemented by" and insert "is one which meets, as a minimum,"; in lines 8, 14, and 19, strike "approved and accredited"; in lines 8, 14, and 19, after "school" insert "district"; in line 9, strike "and secondary"; in line 21 strike "in"; in line 23 after "art" insert a semicolon; and strike beginning with the period in line 23 through line 26.

3. On page 5, strike lines 1 through 9 and insert as follows:

(4) Each school district shall provide a total program offering, for grades nine through twelve, of at least four thousand five hundred class hours per school term; and

(5) Each school district shall"; and in line 10 strike "develop and adopt" and insert "have".

4. Insert a new section as follows:

"Sec. 4. On or before September 1, 1982, and each year thereafter, the State Department of Education shall report to the Governor, the Clerk of the Legislature, and the chairperson of the Legislature's Education Committee, those school districts which are not in compliance with this act.".

LEGISLATIVE BILL 371. Placed on General File.

LEGISLATIVE BILL 441. Placed on General File as amended.
Standing Committee amendments to LB 441:

1. On page 2, line 7, strike "federal"; and in line 8 after "removal" insert ", detection,".

2. On page 3, line 22, before "Loans" insert "or low interest"; and strike beginning with "to" in line 22 through "projects" in line 23.

3. On page 4, line 23, before "loans" insert "or low interest"; and strike beginning with "to" in line 23 through "projects" in line 24.

(Signed) Jerry Koch, Chairperson

Revenue

LEGISLATIVE BILL 19. Indefinitely postponed.
LEGISLATIVE BILL 102. Indefinitely postponed.
LEGISLATIVE BILL 103. Indefinitely postponed.
LEGISLATIVE BILL 306. Indefinitely postponed.
LEGISLATIVE BILL 374. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

SELECT FILE

LEGISLATIVE BILL 290. Mr. Haberman offered the following amendment:

1. On page 2, strike beginning with "two" in line 5 through line 7, show as stricken and insert " a number plate"; and in line 8 strike "plates" and insert "~~plates~~ plate".

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Haberman requested a record vote on his amendment.

Voting in the affirmative, 14:

Carsten Chronister Clark Dworak Fenger
Fitzgerald Goll Haberman Johnson, V. Landis
Newell Remmers Rumery Von Minden

Voting in the negative, 21:

Barrett Beyer Burrows Cope DeCamp
Goodrich Hefner Kahle Kilgarin Koch
Kremer Labedz Lamb Maresh Marvel
Peterson, R. Schmit Sieck Wagner Warner
Wesely

Present and not voting, 10:

Beutler Chambers Cullan Fowler Higgins
Hoagland Marsh Pirsch Vickers Wiitala

Excused and not voting, 4:

Johnson, L. Nichol Peterson, H. Stoney

The Haberman amendment lost with 14 ayes, 21 nays, 10 present and not voting, and 4 excused and not voting.

Mr. Koch moved to indefinitely postpone LB 290.

Mr. Landis moved to suspend Rule 7, Section 3 in order to consider the motion to indefinitely postpone LB 290 today.

The motion to suspend the rules lost with 25 ayes, 11 nays, 9 present and not voting, and 4 excused and not voting.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following in the Journal. No objections. So ordered.

TO: All Senators
FROM: Senator Robert L. Clark
RE: LB 290 - Cost

The question continues to persist, is there, a cost difference between the two systems?

The best example of the savings is to look at the contracts awarded in IOWA.

CONTRACT:

2½ million plates using the beads-on-paint system was awarded for .05248 per plate (included beads, binder, equipment, and changes in heating oven.)

CONTRACT:
2½ million plates reflectorized sheeting is bought at 259.17 roll (6" x 200 yards) produces 600 plates or .4319 per plate

Difference Between Sheeting and Beads-On-Paint Per Plate

.43195 sheeting per plate
- .05248 beads-on-paint system
.37947 Savings per Plate

Based on Six (6) million plates for a six year issue (figure of 6,000,000 was received from Department of Motor Vehicles) the Savings would be $2,276,820.00!!

SAVINGS - $2,276,820.00

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 202. Placed on General File.

LEGISLATIVE BILL 503. Indefinitely postponed.
LEGISLATIVE BILL 504. Indefinitely postponed.

(Signed) Ernie Chambers, Vice Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Koch asked unanimous consent to have his name added to LB's 344, 375, and 401. No objections. So ordered.

Mr. Cullan asked unanimous consent to have his name added to LB 466. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 138 in the Journal. No objections. So ordered.

Req. No. 2201

1. Strike the original sections and insert the following new sections:

"Section 1. That at the general election in November, 1982, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, sections 6, 7, and 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

'Sec. 6. The Legislature shall consist of not more than fifty members and not less than thirty members.

The sessions of the Legislature shall be ~~annual~~ biennial except as otherwise provided by this constitution or as may be otherwise provided by law.

Sec. 7. At the general election to be held in November, 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature; Provided, that when the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed four hundred dollars per month during the term of his or her office. In addition to his or her salary, each member shall ~~receive an amount equal to~~ be reimbursed for his or her actual expenses ~~in traveling by the most usual route once to and returning from each regular or special session of the Legislature~~ incurred in the performance of his or her duties. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

Sec. 10. Beginning with the year ~~1975~~ 1983, regular sessions of the Legislature shall be held ~~annually~~ biennially, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each odd-numbered year. ~~The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment.~~ The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.'.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

'Constitutional amendment to provide that
regular sessions of the Legislature shall be
held biennially and that members shall be
reimbursed for their actual expenses incurred
in the performance of their duties.
For
Against'.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.".

Messrs. Hoagland and Beutler asked unanimous consent to print the following amendment to LB 205 in the Journal. No objections. So ordered.

(Final Reading Second)

Rec. No. 2209

1. On page 4, line 8, strike "is guilty of" and insert "commits"; and in line 13 strike "guilty of" and insert "subject to conviction for".

2. Insert the following new section:

"Sec. 3. That section 81-509, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

81-509. (1) The State Fire Marshal, first assistant fire marshal, and deputy state fire marshals shall each have the power in any county of the State of Nebraska to summon and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the provisions of sections 81-501.01 to 81-531 a subject of inquiry and investigation, and may require the production of any book, paper, or document deemed pertinent thereto by them or either of them. Such summons shall be served in the same manner and have the same effect as subpoenas from district courts. All witnesses shall receive the same compensation as is paid to witnesses in district courts, which shall be paid out of the fire marshal fund, upon vouchers signed by the State Fire Marshal, first assistant fire marshal, or deputy fire marshal before whom any witnesses shall have attended, and such officer shall, at the close of the investigation wherein such witness was subpoenaed, certify to the attendance and mileage of such witness, which certificate shall be filed in the office of the State Fire Marshal. All investigations held by or under the direction of the State Fire Marshal, or his or her subordinates, may, in his or her discretion, be private, and persons other than those required to be present by the provisions of said sections may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined. (2) The State Fire Marshal, first assistant state fire marshal, and deputy state fire marshals are each authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before them; and false swearing in any manner or proceeding aforesaid shall be deemed perjury, and shall be punished as such upon conviction in any court of competent jurisdiction. (3) Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of the State Fire Marshal, first assistant state fire marshal, or deputy state fire marshal, in relation to any investigation, or who fails or refuses to produce any paper, book, or document touching any matter under examination, or who ~~is guilty of~~ commits any contemptuous conduct, after being summoned to appear before the State

Fire Marshal, first assistant, or deputy, to give testimony in relation to any matter or subject under examination or investigation as aforesaid, shall be ~~guilty of~~ subject to conviction for contempt, and, upon conviction of such contempt before any court of competent jurisdiction, shall be punished as provided by law for contempt of the orders of a district court; Provided, no person shall be compelled to give testimony which might tend to incriminate him or her, or to give testimony which is considered privileged by the laws of the State of Nebraska.”.

3. On page 6, line 12, after “section” insert “81-509, Reissue Revised Statutes of Nebraska, 1943, and section”; and in line 13 strike “is” and insert “are”.

4. Renumber original sections 3 and 4 as sections 4 and 5 respectively.

5. In the title in line 3 after “section” insert “81-509, Reissue Revised Statutes of Nebraska, 1943, and section”; and in line 8 after the semicolon insert “to harmonize provisions;”.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 531 in the Journal. No objections. So ordered.

1. On page 2, lines 22 and 23, strike the new matter and reinstate the stricken matter; in lines 25 and 26 strike “receive an amount equal to”, show as stricken, and insert “be reimbursed for”; and strike beginning with “in” in line 26 through “or” in line 27 and show as stricken.

2. On page 3, line 1, strike “special session of the Legislature”, show as stricken, and insert “incurred in the performance of his or her duties”; and strike beginning with “receive” in line 13 through “law” in line 15 and insert “be reimbursed for their actual expenses incurred in the performance of their duties”.

Mr. Koch asked unanimous consent to print the following amendment to LB 290 in the Journal. No objections. So ordered.

Page 3 line 8 - strike 1982 insert 1983

VISITORS

Visitors to the Chamber were 120 students and teachers from Millard School; Former Senator and Mrs. Chet Paxton from Thedford; 16 fourth grade students, parents, and teachers from Emanuel Lutheran School, York; Dr. Dale Karre from Ord; Mr. and Mrs. Ronald Rousch from Madison; 39 fourth grade students, parents, and teachers from Oakdale School, Omaha; and 27 seniors and teacher from Crete High School; and 15 students, parents, and teachers from Weeping Water Junior-Senior High School.

ADJOURNMENT

At 12:21 p.m., on a motion by Mr. Fowler, the Legislature adjourned until 9:30 a.m., Monday, March 23, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - MARCH 23, 1981

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 23, 1981

Pursuant to adjournment, the Legislature met at 9:33 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Fitzgerald, Koch, H. Peterson, and Wagner who were excused; and Mr. Cullan who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Seventh Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 17. Placed on Select File as amended.
E & R amendment to LB 17:
1. In the title, line 9, insert "to provide for termination of existing limitations;" after the semicolon.

LEGISLATIVE BILL 446. Placed on Select File as amended.
E & R amendments to LB 446:
1. Strike the Kahle amendment 2.
2. On page 19, line 24, strike "the" and insert "~~the~~".
3. On page 23, lines 22 and 27, strike "and" and insert "or".
4. On page 26, line 7, strike "questions" and insert "~~questions~~ question"; in line 19, strike the

semicolon, show stricken, and insert an underscored period; and in line 25 strike the question mark, show stricken, and insert an underscored period.

5. On page 27, line 27, strike "book" and insert "books".

6. On page 43, line 26, insert an underscored comma after "section".

7. All amendatory matter having been removed therefrom by the Koch amendment, strike original section 22 and renumber subsequent sections accordingly.

8. In committee amendments 3 to amendment 11, strike "28" and insert "27".

9. On page 78, line 9, strike "any" and insert "the".

10. On page 79, line 20, strike "32-707.01,"; and in line 21, strike "32-1003," and insert "79-1003," at the end of the line.

11. In the title, line 6, strike "32-707.01,"; in line 7, strike "32-1003, 32-1221,"; in line 8 insert "79-1003," after the second comma; at the end of line 9 insert "16-302.01, 17-104, 17-107.02,"; and in line 11 insert "to delete obsolete matter;" after the semicolon.

Correctly Engrossed

The following bills were correctly engrossed: 47, 56, 84, 151, 220, and 313.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Change to LB 47

The following change, required to be reported for publication in the Journal, has been made:

In the Newell specific amendment, page 1, line 25, the comma has been stricken.

(Signed) Emory P. Burnett,
E & R Attorney

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 224. Placed on General File as amended.
Standing Committee amendment to LB 224:

1. On page 5, strike beginning with the period in line 6 through the first "the" in line 8 and insert ", except

that if a licensed appraiser estimates the fair market value of the interest to be granted or retained at less than the original".

LEGISLATIVE BILL 485. Placed on General File as amended.
Standing Committee amendments to LB 485:

. On page 3, line 11, strike the first "lines", after "communication" insert "lines", and after the second "or" insert "railroad"; in line 13 before "lines" insert "electrical"; and in line 22 strike "A" and insert "~~A~~ An electrical".

2. On page 4, lines 6 and 15, before "transmission" insert "electric".

3. On page 5, line 3, before "transmission" insert "electric".

4. On page 6, line 3, after "lines" insert an underscored comma; and in line 13 after the underscored period insert "Receipt of a waiver shall be evidence that the sixty-day notice period is also waived.".

LEGISLATIVE 544. Placed on General File as amended.
Standing Committee amendment to LB 544:

. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 79. Indefinitely postponed.

(Signed) Maurice Kremer, Chairperson

REPORT OF EMPLOYEES

To Patrick O'Donnell
Clerk of the Legislature
From: Laura Ashelford
Legislative Accountant
Re Session Employee Expense

During the month of February, 1981, 147 full and part-time Senators' session employees and temporary session employees were paid a total of $90,205.21. Of this amount, $1,772.52 was overtime.
Detailed information is on file in the Accounting and Budgeting Office.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 55

March 13, 1981

Dear Senator V. Johnson:

In your letter of February 26, 1981, you direct our attention to Legislative Bill 138 which would propose a constitutional amendment which would permit the Legislature to set its own salary so long as the salary established did not exceed one-third of the Governor's then existing salary. With this matter in mind you then raise several questions.

First, you ask can more than one amendment affecting legislative salaries be placed on a single ballot? We are aware of no constitutional prohibition against offering any number of constitutional amendments dealing with the same subject matter on any given ballot at any given election. In reaching this conclusion we would further be of the opinion that one piece of legislation proposing such constitutional amendments would suffice. In Opinion No. 211 found in the Reports of the Attorney General for 1971-72 we were of the opinion that the Legislature's submission of an amendment to the constitution is a mere proposal and that therefore it is not in fact a bill as that word is used in Article III, Section 14 of the constitution of the State of Nebraska which prohibits any given bill from containing more than one subject.

You further inquire if in fact more than one constitutional amendment can be proposed at the same election dealing generally with the same subject what the result would be in the event two or more of these amendments were adopted by the electorate. A difficulty would arise only to the extent the amendments adopted were inconsistent or incompatible with one another. As a general principle of law, if two provisions are irreconcilably repugnant the last in order of time is to be preferred. 16 C.J.S. Constitutional Law Sec. 26. It should be noted that this rule is to be applied only as a last resort and only when it is impossible to harmonize the provisions by any reasonable construction.

It is difficult for us to envision all of the possibilities in advance of any such occurrence taking place; however, we draw your attention to the fact that an amendment does not become effective simply by having been adopted by a majority vote of the electors but only becomes effective after being certified by the state Canvasing Board and being proclaimed by the Governor. Swanson v. State, 132 Neb. 12, 271 N.W. 264 (1937). Therefore, the amendment's relative position on the ballot would not necessarily be determinative of which amendment was adopted last, the date of the Governor's proclamation being determinative of that factor.

You next inquire as to the result if one amendment involving legislative salaries was placed on the May, 1982 primary ballot and carries and another inconsistent amendment were placed on the November, 1982 general election ballot and also carried. In this factual context we would be of the opinion that the rule concerning the last constitutional amendment to be adopted receiving preference would be applicable and controlling. Swanson v. State, supra; and Cunningham v. Exon, 207 Neb. 51:, ___N.W.2d ___ (1980).

We would suggest however that inasmuch as it is the Legislature in this instance which would be proposing any such amendment or amendments and the time of their submission that great care be taken to avoid proposing two inconsistent alternative proposals unless they were offered to the voters as one proposed amendment perhaps with the voters being offered a choice between alternatives. The presentation of alternative choices to the electorate has been held to be entirely proper. See in this regard generally 16 C.J.S. Constitutional Law Sec. 9.

You finally ask in the event any amendment is adopted altering the legislative salaries when the salaries of the members of the Legislature could reflect that amendment. You indicate in your letter an awareness of Article III, Section 19 of the Constitution of the State of Nebraska which provides as is pertinent here that the compensation of a member of the Legislature may not be increased or diminished during his or her term of office except that when, as is the case here, the terms of the various members of the Legislature commence and end at different times then the compensation of all members of the Legislature may be increased at the beginning of the first full term of any member thereof.

As you are well aware, at the general election held every two even numbered years, one-half of the members of the Legislature are elected. As you are also no doubt aware, our constitution provides that the term of office of the members of the Legislature shall begin on the first Wednesday after the first Monday in the month of January following their election. See in this regard Article III, Section 19 of the Constituion of the State of Nebraska.

Therefore, if an amendment actually increasing salaries were adopted either at the primary election in 1982 or at the general election in November of 1982 the salaries of all members of the Legislature could be increased as of the first Wednesday after the first Monday in January of 1983 if the Governor accomplished his proclamation on the amendment prior to the date those members elected at the general election in 1982 took office.

If on the other hand the amendment only authorized the Legislature to set its own salaries, perhaps within certain limits, it would be impossible for the Legislature to take this action, absent a special session, prior to the time they took office in January of 1983. Therefore any action taken by the Legislature concerning salaries could not become effective with the beginning of the next full term of one half of the members in January of 1985.

Sincerely,
PAUL L. DOUGLAS
Attorney General

(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:kkh
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 57
March 18, 1981

Dear Senator Hoagland:

You have requested the opinion of this office regarding LB 205, which among other things, authorizes arson investigators in a metropolitan class city to summon persons to testify regarding an inquiry into the cause, origin and circumstances of a fire or explosion and to require the production of any book, paper or document deemed pertinent to such inquiry. The provisions of LB 205 authorize such arson investigators, subject to the approval of the chief of the fire department, to issue the subpoenas without prior judicial approval, such as is constitutionally required for the issuance of a search warrant. Initially, you have inquired whether the procedures embodied in LB 205 for the issuance of a subpoena duces tecum, i.e. a summons to produce documents, violate the Fourth Amendment prohibition against unreasonable searches and seizures.

Since the much mooted case, Boyd v. United States, 116 U.S. 616 (1886), it has been accepted that a subpoena duces tecum comes within the Fourth Amendment. The enforced production of books and records, while not an actual search, has been said to constitute a "constructive search." People v. Allen, 410 Ill. 508, 103 N.E.2d 92 (1951). However, it is clear that the demands of the Fourth Amendment with respect to a search and seizure under a search or arrest warrant do not apply equally to a subpoena duces tecum. In re Addonizio, 53 N.J. 107, 248 A.2d 531 (1968).

In Oklahoma Press Publishing Company v. Walling, 327 U.S. 186 (1946), the Supreme Court considered the validity of a subpoena duces tecum issued by the Wage Hour Administrator to an employer with respect to compliance with the Fair Labor Standards Act. The subpoenaed records related to whether the Act covered the employer and also to whether the employer had obeyed the statute. The subpoena was challenged for, among other things, constituting an unreasonable search and seizure in violation of the Fourth Amendment. In rejecting the employer's challenge, the court noted that the Fourth Amendment in the context of an administratively issued subpoena duces tecum;

> [A]t the most guards against abuse only by way of too much indefiniteness or breadth in the things required to be "particularly described," if also the inquiry is one the demanding agency is authorized by law to make and the materials specified are

> relevant. The gist of the protection is in the requirement, expressed in terms, that the disclosure sought shall not be unreasonable.

Id. at 208. The court further explained:

> It is not necessary, as in the case of a warrant, that a specific charge or complaint of violation of law be pending or that the order be made pursuant to one. It is enough that the investigation be for a lawfully authorized purpose, within the power of Congress to command. This has been ruled most often perhaps in relation to grand jury investigations, but also frequently in respect to general or statistical investigations authorized by Congress. The requirement of "probable cause, supported by oath or affirmation" literally applicable in the case of a warrant is satisfied, in that of an order for production by the court's determination that the investigation is authorized by Congress, is for a purpose Congress can order, and the documents sought are relevant to the inquiry. Beyond this the requirement of reasonableness, including particularity in "describing the place to be searched, and the persons or things to be seized," also literally applicable to warrants, comes down to specification of the documents to be produced adequate, but not excessive, for the purposes of the relevant inquiry. Necessarily, as has been said, this cannot be reduced to formula; for relevancy and adequacy or excess in the breadth of the subpoena are matters variable in relation to the nature, purposes and scope of the inquiry.

Id. at 209. See also, United States v. Morton Salt Company, 338 U.S. 632, 651-653 (1950); See v. Seattle, 387 U.S. 541, 544-545 (1967).

Based on the above authorities, it appears that the Legislature may authorize enforcement agencies to issue a subpoena duces tecum without prior judicial approval and that such procedure on its face does not run afoul of the Fourth Amendment. However, a particular subpoena could be challenged on Fourth Amendment grounds if the documents requested were irrelevant to the investigation or if the description of the documents set forth in the subpoena was so overly broad, vague or general as to be unduly burdensome.

Additionally, you have inquired:

> If the cases do appear to permit state Legislatures to authorize certain law enforcement officers to issue subpoenas, do they require any procedural safeguards that are not present in this proposal, such as the ability of the person subpoenaed to attempt to quash the subpoena in court before being liable for contempt or other criminal sanctions?

The safeguard inherent in a subpoena duces tecum is the right to litigate the validity of the subpoena prior to producing the documents requested. In See v. Seattle, supra, at 544, the Supreme Court noted that while an agency may demand documents and records by issuing an administrative subpoena, the enforcement of such demand does not lie with agency officials. Rather the subpoenaed party is entitled to judicial review of the reasonableness of the demand prior to suffering penalties for refusing to comply.

The provisions of LB 205 require the chief of the fire department to apply to the district court for enforcement of the subpoena. The court is authorized to punish persons disobeying any subpoena for contempt. Persons subpoenaed who refuse to comply could apparently, as their defense to such action, object to the validity of the subpoena, assert a privileged communication or assert their right to invoke the Fifth Amendment prohibition against self-incrimination. Judicial review is thus provided as part of the contempt proceeding. However, it appears under section 3 of LB 205 that if the asserted defense is rejected by the court or on appeal, the person subpoenaed, while potentially asserting the objection in good faith, may nevertheless be found in contempt. In other words, in order to avail himself of the opportunity for judicial review, the person subpoenaed must risk the penalties for contempt, which include fine and imprisonment. Neb.Rev.Stat. Sec. 25-2121 (Reissue 1979).

In Reisman v. Caplin, 375 U.S. 440 (1964), the petitioners challenged a summons to produce certain audit reports which had been issued by the secretary of the Internal Revenue Service. One of the arguments advanced by the petitioners was that the penalties of contempt risked by a refusal to comply with the summons were so severe that the statutory procedure amounted to a denial of judicial review, citing Ex Parte Young, 209 U.S. 123 (1908) and Oklahoma Operating Company v. Love, 252 U.S. 331 (1920). In said cases, the provisions at issue were found to violate the Fourteenth Amendment because certain railroad and laundry rates could only be challenged by failure to comply with said rates which occasioned a risk of both imprisonment and fines regardless of the willfulness of the failure to comply. The court in Reisman, supra, distinguished said holdings, noting that the I.R.S. provision at issue authorized a finding of contempt, and a fine or imprisonment, only upon the "neglect" of the parties subpoenaed to appear or to produce, which was interpreted by the court so as to exclude a good faith attack upon the validity of the summons.

Based on the above authorities, in our opinion, to the extent the provisions of LB 205 permit punishment for contempt for failure to comply, regardless of the existence of a good faith attack on the validity of the subpoena, said provisions could be subject to constitutional challenge.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Fritz
Assistant Attorney General

LF:pes
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 58
March 19, 1981

Dear Senator DeCamp:

This is in response to your letters of March 13 and 18, 1981, concerning LB 132. Your question deals specifically with the "classification of municipalities" under sections 26 through 34 of that bill, and whether the "classification" contained therein is in violation of the Nebraska Constitution, Article III, Section 18, which prohibits local or special legislation.

It is first necessary to establish the nature of this "classification" contained in these particular sections of LB 132. The bill itself deals with the formation of an agency by cooperating municipalities to provide various services involving the distribution of water, the generation and transmission of power, and the disposal of sewage. The sections in question basically provide that when any group of municipalities files for the creation of such an organization, if any of these municipalities have received more than 50 percent of their power requirements for any one year during the previous five years from the date of the act from a public power district, electric cooperative corporation, or a rural power district, the Department of Water Resources must then investigate the proposed agency in the interest of the public convenience and welfare, to insure that there is no duplication of services or any conflict or material effect upon the operation of any of the above existing organizations established under Chapter 70, Articles 6, 7 and 8 of the Nebraska Revised Statutes, before approving the proposed organization. These sections also provide that the Nebraska Power Resources Board may be requested to make additional investigations into the matter, and that any final decision of the Department of Water Resources may be appealed to the Nebraska Supreme Court. It should also be noted in this regard that section 28 of LB 132 attempts to limit the establishment of these municipal cooperative organizations in any situation where there would be a direct conflict with the operation of any of the existing organizations under Chapter 70, Articles 6, 7 and 8, including any duplication of their facilities or services.

While it is arguable that these sections of LB 132 do establish classifications of a sort, they do not establish any hard and fast categories which automatically prevent a municipality from participating in such a cooperative agency. Rather, these sections merely establish a criterion for a more detailed examination or investigation into the necessity of forming such an organization. All this appears to be a reasonable attempt to avoid unnecessary duplication of services and facilities, and unnecessary competition between existing organizations created by other acts of the Legislature which provide the same services as the proposed organizations. It seems fairly safe to assume that permitting such duplication and competition to occur would not be in the public interest.

The Nebraska Supreme Court in State ex rel. Douglas v. Marsh, 207 Neb. 598, ___N.W.2d___(1980), recently dealt with questions of special legislation and in doing so stated as follows:

> "It is competent for the Legislature to classify objects of legislation and if the classification is reasonable and not arbitrary, it is a legitimate exercise of legislative power. [Citations omitted.] The classification must rest upon real differences in situation and circumstances surrounding members of the class relative to the subject of the legislation which renders appropriate its enactment. [Citations omitted.] The power of classification rests with the Legislature and cannot be interfered with by the courts unless it is clearly apparent that the Legislature has by artificial and baseless classification attempted to evade and violate provisions of the Constitution prohibiting local and special legislation. [Citation omitted.] A legislative classification, in order to be valid, must be based upon some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a substantial difference. [Citations omitted.] " (Emphasis in original.)Id. at 608, 609.

Id. at 608, 609.

These particular sections of LB 132 do not really establish classifications in the traditional sense, in that there is not a grant of special privilege or immunity to a particular class, but merely the establishment of a criterion for greater scrutiny if and when a municipality which meets certain conditions attempts to participate in the formation of a municipal cooperative agency. However, even if it could be said that these provisions form separate classes of municipalities with differing privileges, it does not appear that a rational basis for this different treatment is lacking in this case, which in turn would result in these particular sections being held unconstitutional.

In another recent case, Aschenbrenner v. Nebraska Public Power District, 206 Neb. 157, ___ N.W.2d ___ (1980), the court in quoting from State ex rel. Meyer v. Knutson, 178 Neb. 375, 379, 133 N.W.2d 577, 581 (1965), stated that:

> Statutes which are reasonably designed to protect the health, morals, and general welfare do not violate the Constitution where the statute operates uniformly on all within a class which is reasonable. This is so even if the statute grants special or exclusive privileges where the primary purpose of the grant is not the private benefit of the grantees but the promotion of the public interest.

Id. at 163.

The differing treatment provided municipalities in sections 26 through 34 of LB 132, as indicated above, appears to be based on a legitimate legislative concern for the prevention of unnecessary duplication of facilities and services, and unnecessary competition between various overlapping public power providers, all of which is in the public interest. In this regard, these particular sections of LB 132 do not appear to establish an impermissible classification and are in our opinion constitutional.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 40. Read. Considered.

LR 40 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 41. Read. Considered.

LR 41 was adopted with 29 ayes, 0 nays, and 20 not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE RESOLUTION 42. Read. Considered.

LR 42 was adopted with 37 ayes, 0 nays, and 12 not voting.

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 280. Placed on General File.
LEGISLATIVE BILL 536. Placed on General File.

(Signed) Martin Kahle, Chairperson

Education

LEGISLATIVE BILL 303. Placed on General File as amended.
(Standing Committee amendments printed separately from the Journal and on file in the Clerk's Office - Req. No. 2210.)

LEGISLATIVE BILL 423. Placed on General File as amended.
Standing Committee amendments to LB 423:
Req. No. 2208

1. Strike original sections 1 to 9.

2. Insert new sections as follows:

"Section 1. That section 79-1270, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1270. Provisions shall be made by the proper local school authorities for instructing the pupils in all public schools in a comprehensive health education program which shall include instruction (1) as to the physiological, psychological, and sociological aspects of drug use, misuse, and abuse and (2) on mental retardation and other developmental disabilities, such as cerebral palsy, autism, and epilepsy, their causes and the prevention thereof through proper nutrition and the avoidance of the consumption of drugs as defined in this section. Drugs are defined as any and all biologically active substances used in the treatment of illnesses, or for recreation or pleasure. Special emphasis shall be placed upon the commonly abused drugs of~~: Tobacco~~ tobacco, alcohol, marijuana, hallucinogenics, amphetamines, barbiturates, and narcotics.

Sec. 2. That original section 79-1270, Reissue Revised Statutes of Nebraska, 1943, is repealed.”.

(Signed) Jerry Koch, Chairperson

Government, Military and Veterans Affairs

Hearing on March 13, 1981

The Government, Military and Veterans Affairs Committee desire to report favorably upon the appointment listed below. The Committee suggest the appointment be confirmed by the Legislature and suggests a record vote.

Betty Majors - State Personnel Board

Vote For: Chronister, Goll, Haberman, V. Johnson, Kahle (5). Against: None. Not Voting: None. Absent: Chambers, Kilgarin, Landis (3).

(Signed) Martin Kahle, Chairperson

GENERAL FILE

LEGISLATIVE BILL 39. Title read. Considered.

Standing Committee amendment found in the Journal on page 379 for the Fifteenth Day was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 30 ayes, 6 nays, 8 present and not voting and 5 excused and not voting.

LEGISLATIVE BILL 39A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 4 nays, 13 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 95. Placed on General File as amended.
Standing Committee amendments to LB 95:

1. Strike original sections 1 to 15.
2. On page 11, line 3, strike "41" and insert "26"; and in line 27 reinstate "the", and strike "a" and insert "committing".
3. On page 12, line 3, strike "41" and insert "26"; in line 16 after the last comma insert "or"; and in line 17 insert an underscored period after "patrolman"; and strike beginning with the comma in line 17 through the period in line 19, and show the old matter as stricken.
4. On page 14, strike beginning with "shall" in line 17 through "successors" in line 19 and show as stricken.
5. On page 28, line 7, after "with" insert "the Department of Public Institutions or"; strike beginning with "Such" in line 9 through the period in line 10 and insert "If such affidavit is filed with the mental health board the costs shall be certified to the Department of Public Institutions and the county shall be reimbursed for such costs. If such affidavit is filed with the Department of Public Institutions, the department shall provide such medication and the provisions of sections 83-363 to 83-380 shall apply."; and in line 15 after "or" insert "may".
6. On page 29, line 2, after "or" insert "may"; and in line 22 strike "If" and insert "When".
7. On page 30, line 1, strike "If" and insert "When"; in line 5 strike "with certainty"; and in line 16 after "release" insert "unless such person is receiving treatment pursuant to a mental health proceeding instituted pursuant to this section"; and in line 23 strike "83-1011,".
8. Renumber original sections 16 to 46 as sections 1 to 31, respectively.

(Signed) Samuel K. Cullan, Chairperson

NOTICE OF COMMITTEE HEARING
Public Health and Welfare

The Public Health and Welfare Committee will meet at 12:15 p.m. on Wednesday, April 1, 1981, in Room 1019 for the purpose of hearing appointments or reappointments as follows:

State Board of Health
Mr. John Estabrook

Rural Health Manpower Commission
Dr. M. L. Chaloupka
Dr. Robert E. Quick
Dr. Dwaine Peetz
Ms. Ramona Freeman
Mr. Tod Voss
Ms. Judy Butler

(Signed) Samuel K. Cullan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 167. Title read. Considered.

Mr. Wesely offered the following amendment:
Strike the Burrows amendment to the LB 167 Committee amendments and reinstate the 15% interest rate.

Mr. Wesely asked unanimous consent to withdraw his amendment. No objections. So ordered.

Messrs. Beutler and Vickers asked unanimous consent to withdraw their pending amendment found in the Journal on page 507. No objections. So ordered.

Messrs. Beutler, Vickers, and Hoagland renewed their pending amendment found in the Journal on page 579.

MR. CLARK PRESIDING

Mr. Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

SPEAKER MARVEL PRESIDING

The Beutler-Vickers-Hoagland pending amendment lost with 18 ayes, 23 nays, 2 present and not voting, and 6 excused and not voting.

Mr. Carsten renewed his pending amendment found in the Journal on page 521.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Carsten pending amendment was adopted with 33 ayes, 2 nays, 8 present and not voting, and 6 excused and not voting.

Mr. Hoagland renewed his pending amendment found in the Journal on page 553.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

Mr. Hoagland requested a roll call vote.

Voting in the affirmative, 18:

Beutler
DeCamp
Goll
Goodrich
Haberman
Higgins
Hoagland
Kilgarin
Labedz
Lamb
Marvel
Pirsch
Remmers
Schmit
Stoney
Vickers
Von Minden
Warner

Voting in the negative, 24:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Dworak
Fenger
Fowler
Hefner
Johnson, L.
Johnson, V.
Kahle
Landis
Maresh
Marsh
Newell
Nichol
Peterson, R.
Rumery
Sieck
Wesely

Present and not voting, 1:

Wiitala

Excused and not voting, 6:

Cullan
Fitzgerald
Koch
Kremer
Peterson, H.
Wagner

The Hoagland pending amendment lost with 18 ayes, 24 nays, 1 present and not voting, and 6 excused and not voting.

Laid over.

The Chair declared the Call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 45.

Introduced by Kremer, 34th District.

WHEREAS, the Village of Hordville, a community of 150 people in Hamilton County, has produced an excellent boys' basketball team; and

WHEREAS, the Hordville Bulldogs compiled a record of 24 wins and only 2 losses on their way to claiming the 1981 Class D Nebraska Boys' Basketball Championship; and

WHEREAS, the 17 team members met the extreme challenge, during their first trip to the State Tournament, of facing the Filley High School team in the Championship Game, Filley being undefeated and possessing the longest winning streak in the history of Nebraska boys' basketball, of 78 straight victories; and

WHEREAS, the Hordville team defeated the Filley team by a score of 41 to 40 and thereby proved themselves to be Champions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY- SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Hordville boys' basketball team, their coaches, and the community that supported their efforts.
2. That the Clerk of the Legislature send a copy of this resolution to Coach Glenn Bouc and the members and coaching staff of the Hordville Bulldogs basketball team.

Laid over.

STANDING COMMITTEE REPORTS

Miscellaneous Subjects

LEGISLATIVE BILL 471. Indefinitely postponed.

(Signed) Elroy Hefner, Chairperson

Business and Labor

LEGISLATIVE BILL 405. Indefinitely postponed.

(Signed) Richard Maresh, Chairperson

Revenue

LEGISLATIVE BILL 377. Indefinitely postponed.
LEGISLATIVE BILL 393. Indefinitely postponed.
LEGISLATIVE BILL 397. Indefinitely postponed.
LEGISLATIVE BILL 481. Indefinitely postponed.
LEGISLATIVE BILL 515. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

REPORT

Received report of examination from Auditor of Public Accounts pursuant to section 81-106, R.S. Supp., 1980.

ANNOUNCEMENT

Mr. Hefner asked unanimous consent to print the following in the Journal. No objections. So ordered.

The Miscellaneous Subjects Committee held a Public Hearing on Reapportionment / Redistricting Guidelines on March 13, 1981. After thorough consideration, the Committee in Executive Session on March 19, 1981 amended the Reapportionment/Redistricting Guideline concerning Congressional Districts. Senator Fenger moved to amend the Guideline, seconded by Senator Von Minden. Voting yes: Senators Barrett, Beyer, Fenger, Hefner, and Von Minden. Voting no: Senators Fitzgerald and Newell. Absent and not voting: Senator Cullan. Senator Beyer moved to adopt the following Guidelines as the Final Guidelines, seconded by Senator Von Minden. Voting yes: Senators Barrett, Beyer, Fenger, Hefner and Von Minden. Voting no: Senators Fitzgerald and Newell. Absent and not voting: Senator Cullan.

Any and all recommendations offered to the Miscellaneous Subjects Committee regarding Reapportionment/Redistricting must follow and conform to the Final Guidelines.

Article III, Section 5 of the Constitution of the State of Nebraska establishes the following criteria:

1. Single-member districts.
2. Districts must be as nearly equal in population as may be.
3. Districts must be composed of contiguous and compact territory.
4. The basis of apportionment in population excluding aliens as shown by the preceding census.
5. County lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature.
6. 49 Legislative Districts.

7. Districts should be easily identifiable and easily understandable to the voter. Counties and cities, insofar as possible, should remain intact in order to maintain as much as possible the integrity of county and city boundaries and smaller census divisions within county and city boundaries.

8. To create districts, if possible, that reflect some unity of character or social and economic interest.

9. District lines may not be drawn with the intention of diluting the strength of any racial or other protected minority group.

10. Districts will not be drawn to protect or defeat an incumbent legislator.

11. Legislative Districts should include populations which are nearly as equal as possible with total deviation not to exceed 10%. Any deviation must be justified and in no case may a district exceed 5% deviation from the average. These Guidelines will also apply to political subdivisions.

12. Congressional Districts should include population with a total deviation not to exceed 3%. Any deviation must be justified and in no case may a district exceed 1.5% deviation from the average.

MOTION - Print in Journal

Mr. Hefner moved to withdraw LB 258A.

Laid over.

ANNOUNCEMENT

Mr. Maresh announced the Business and Labor Committee will meet in executive session Wednesday, March 25th at 1:00 in the Wm. Hasebroock Memorial Hearing Room, Room 2026.

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused Monday afternoon, March 23, 1981. No objections. So ordered.

VISITORS

Visitors to the Chamber were 56 Ninth grade students and teachers from Aurora Junior High, Aurora; 37 students and teachers from Oakland Junior High School; a youth group representing Farm Bureau from 66 counties; a women's group attending Women Involved Farm Economics Week in Nebraska; 15 students and teacher from District 69, Denton; and 7 students and teacher from Benedict High School, Benedict.

RECESS

At 12:03 p.m., on a motion by Mr. V. Johnson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Fitzgerald, Koch, H. Peterson, and Wagner who were excused; and Mesdames Labedz and Pirsch, and Messrs. Beutler, Chambers, Fowler, and Goodrich who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 167. Considered.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 567. No objections. So ordered.

Mr. Warner offered a substitute amendment.

Mr. Hefner requested a division of the question on the Warner amendments.

The Chair sustained the division.

The first amendment is as follows:
Strike original section 13.
On page 41, line 3, strike "77-1348,".

The amendment was adopted with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

The second amendment is as follows:
On page 15, line 14, after "thereon"
insert "from the date of delinquency".
On page 24, line 26, after "date" insert
"the same became payable"; in line 26 after "collected"
insert "on any unpaid taxes due"; and strike line 27
and show as stricken.
On page 25 strike beginning with "are" in
line 1 through "thereon" in line 3 and show as stricken.

The amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

The third amendment is as follows:

On page 39, in lines 14 through 16 strike the new matter and reinstate the stricken matter.

Renumber remaining sections accordingly.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The third amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Burrows offered the following amendment:
Req. No. 2099

1. Insert a new section as follows:

"Sec. 54. That section 77-3419, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3419. Except as provided in section 77-3424, receipts from local tax sources shall mean funds received from the tax or taxes the governing body of a political subdivision is authorized to levy or cause to be levied and income earned as interest on delinquent taxes. For the public school districts, any receipts from the county nonresident high school tuition fund shall be considered as receipts from local tax sources.".

2. On page 41, line 6, strike "and", and before "Revised" insert "and 77-3419,".

3. Renumber remaining sections accordingly.

Mr. Burrows moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Burrows requested a roll call vote.

Voting in the affirmative, 10:

Burrows Cullan DeCamp Labedz Newell
Schmit Stoney Vickers Von Minden Wesely

Voting in the negative, 28:

Barrett Beyer Carsten Chronister Clark
Cope Dworak Fenger Goll Goodrich
Haberman Hefner Hoagland Johnson, L. Johnson, V.

Kahle Kilgarin Landis Maresh Marsh
Marvel Nichol Peterson, R. Pirsch Remmers
Rumery Sieck Warner

Present and not voting, 3:

Higgins Lamb Wiitala

Excused and not voting, 8:

Beutler Chambers Fitzgerald Fowler Koch
Kremer Peterson, H. Wagner

The Burrows amendment lost with 10 ayes, 28 nays, 3 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.
The Chair declared the Call raised.

STANDING COMMITTEE REPORTS

Agriculture and Environment

The Agriculture and Environment Committee desires to report favorably to the members of the Nebraska Unicameral upon the Gubernatorial Appointments or Reappointments listed below which were present at a public hearing on March 5, 1981. The Agriculture and Environment Committee suggests the appointments be confirmed by the Nebraska Legislature.

Environmental Control Council
Harry D. Shaffer, M.D.
Richard Beermann
Al Wood

Voting are: Senators Wagner, Burrows, Maresh, Richard Peterson, Remmers, and Wiitala. Absent and not voting were: Senators Schmit and Nichol.

(Signed) Loran Schmit, Chairperson

LEGISLATIVE BILL 216. Placed on General File as amended.
Standing Committee amendment to LB 216:
Req. No. 2123

1. Insert a new section as follows:

"Section 1. That section 75-359, Revised Statutes Supplement, 1980, be amended to read as follows:

75-359. It shall be unlawful to transport on the highways of this state by any combination of motor vehicles any hazardous waste or materials as defined by the Materials Transportation Bureau, United States Department of Transportation, Title 49, Code of Federal Regulations, Parts 171 to 179 in effect as of January 1, ~~1977~~ 1981, unless there is in effect with respect to such combination of motor vehicles minimum liability insurance, self-insurance, or a surety bond, exclusive of interest and costs, of one hundred thousand dollars because of bodily injury to or death of one person in any one accident, three hundred thousand dollars because of bodily injury or death of two or more persons in any one accident subject to the limitation for one person, and one hundred thousand dollars because of injury to or damage of property of others in any one accident.".

2. On page 7, line 14, after "or" insert "naturally occurring or accelerated produced radioactive material as defined in the Nebraska radiological health regulations or".

3. On page 12, line 2, strike " generalized" and show as stricken.

4. On page 14, strike the new matter in lines 18 through 20 and insert "Licenses and permits for hazardous waste, treatment, storage, and disposal facilities shall not be issued until certification by the State Fire Marshal as to fire prevention and fire safety has been received by the department.".

5. On page 16, strike beginning with "the" in line 14 through "with" in line 15 and insert "no regulation shall be adopted without the approval of".

6. On page 27, line 8, after "sections" insert "75-359,".

7. Renumber original sections 1 to 6 as sections 2 to 7.

LEGISLATIVE BILL 322. Placed on General File as amended.
Standing Committee amendment to LB 322:

1. Strike section 1 and insert a new section as follows:

"Section 1. The Department of Agriculture shall, on a monthly basis, furnish a report to each newspaper in the state. Such report shall contain information on wheat, corn, sorghum, soybeans, beef cattle, and hogs and shall contain the following statistics:

(1) Data that represent the median of the most recent prices;

(2) Monthly parity prices established by the United States Department of Agriculture;

(3) The most recent established annual sales in Nebraska; and

(4) Changes in tax-producing income for farmers and ranchers in Nebraska based on the most recent annual sales priced at parity.".

(Signed) Loran Schmit, Chairperson

GENERAL FILE

LEGISLATIVE BILL 197. Title read. Considered.

MR. CLARK PRESIDING

Mr. Newell offered the following amendment:
1. On page 5, line 15, strike "fifty per cent of"; On line 16, before the period, insert "multiplied by the rate of income tax as set under section 77-2715.01, Revised Statutes Supplement, 1980".

The amendment lost with 11 ayes, 15 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 25 ayes, 7 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 197A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 2 nays, 12 present and not voting, and 8 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature.

Ralph Kelly - Nebraska Investment Council

VOTE: Aye: Senators Clark, Haberman, Labedz, Landis, Remmers, DeCamp, Schmit (7). Nay: None. Not Voting: None. Excused: Senator Fitzgerald (1).

(Signed) John W. DeCamp, Chairperson

Judiciary

LEGISLATIVE BILL 541. Placed on General File as amended.
Standing Committee amendment to LB 541:
1. On page 5, line 18, after "Patrol" insert ", except that all facilities under existing lease agreements on the effective date of this act shall not be transferred and the existing leases shall remain in full force and effect".

LEGISLATIVE BILL 192. Placed on General File as amended. Standing Committee amendment to LB 192:

1. On page 2, line 8, strike "an" and insert "a state"; in line 9 strike the first "of the state" and insert "as defined in section 60-1009"; in line 19 after "justified" insert a period; and strike beginning with "or" in line 19 through the period in line 20.

2. On page 3, line 6, after the comma insert "fees and other expenses shall be awarded as provided in this act", and after "only" insert "to".

3. Insert the following new section:

"Sec. 7. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

LEGISLATIVE BILL 231. Placed on General File as amended. Standing Committee amendment to LB 231:

1. On page 4, strike beginning with "Once" in line 2 through line 5.

LEGISLATIVE BILL 411. Placed on General File as amended. Standing Committee amendment to LB 411:

1. On page 2, strike beginning with the second "at" in line 10 through the comma in line 12; and strike beginning with "Where" in line 13 through the period in line 19.

2. On page 3, strike beginning with "In" in line 5 through the period in line 8; in line 23 strike "the state" and insert "either party" and after the second "appeal" insert "when a felony is charged"; and in line 24 after "granting" insert "or denying".

3. Strike original sections 2 and 6.

4. On page 4, line 1, after "granted" insert "or denied" and after the second "the" insert "defendant,"; in lines 6 and 20 after "granting" insert "or denying"; and strike beginning with "Upon" in line 13 through line 17; and in line 19 strike "3" and insert "2".

5. On page 5, line 5, after "granting" insert "or denying"; in line 7 after "the" insert "defendant,"; and in line 8 after "attorney" insert a comma.

6. Renumber original sections 3 to 5 as sections 2 to 4 respectively.

LEGISLATIVE BILL 340. Placed on General File as amended.
Standing Committee amendment to LB 340:
1. Strike original sections 1 and 3 to 5.
2. Insert the following new section:
"Sec. 2. That original section 23-2406, Reissue Revised Statutes of Nebraska, 1943, is repealed.".
3. Renumber original section 2 as section 1.

LEGISLATIVE BILL 341. Placed on General File as amended.
Standing Committee amendment to LB 341:
1. Strike original sections 1, 3, and 4.
2. Insert the following new section:
"Sec. 2. That original section 81-8,228, Reissue Revised Statutes of Nebraska, 1943, is repealed.".
3. Renumber original section 2 as section 1.

(Signed) William E. Nichol, Chairperson

GENERAL FILE

LEGISLATIVE BILL 40. Title read. Considered.

Standing Committee amendments found in the Journal on page 637 for the Twenty-Ninth Day were considered.

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Standing Committee amendments were adopted with 28 ayes, 5 nays, 8 present and not voting, and 8 excused and not voting.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 16 ayes, 5 nays, and 28 not voting.

Mr. DeCamp requested a roll call vote.

Mr. Barrett requested the roll be called in reverse.

Voting in the affirmative, 20:

Beutler Beyer Carsten Chronister DeCamp
Fenger Fowler Goodrich Haberman Hoagland
Johnson, V. Kilgarin Labedz Maresh Newell
Nichol Pirsch Rumery Von Minden Wiitala

Voting in the negative, 21:

Barrett Burrows Chambers Clark Cope
Dworak Goll Hefner Higgins Johnson, L.
Kahle Lamb Landis Marsh Marvel
Peterson, R. Remmers Schmit Stoney Vickers
Wesely

Present and not voting, 2:

Sieck Warner

Excused and not voting, 6:

Cullan Fitzgerald Koch Kremer Peterson, H.
Wagner

Failed to advance to E & R for Review with 20 ayes, 21 nays, 2 present and not voting, and 6 excused and not voting.

CORRECTED STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 543. Placed on General File as amended.
Standing Committee amendments to LB 543:
Req. No. 2218

1. Insert new sections as follows:

"Sec. 3. That section 76-1609, Revised Statutes Supplement, 1980, be amended to read as follows:

76-1609. The Director of Economic Development shall be the ~~chairman~~ chairperson of the fund. The members shall elect from among their number a ~~vice-chairman~~ vice-chairperson and such other officers as they may determine. They shall receive no compensation for their services but shall receive reimbursement for actual and necessary reasonable expenses.~~ on the same basis and subject to the same conditions as full time state employees.~~

Sec. 4. That section 76-1615, Revised Statutes Supplement, 1980, be amended to read as follows:

76-1615. Any member or employee of the fund who has, will have, or later acquires ~~an~~ a personal interest, direct or indirect, in any transaction with the fund shall immediately disclose the nature and extent of such interest in writing to the fund as soon as he or she has knowledge of such actual or prospective interest. Such disclosure shall be entered upon the minutes of the fund. Upon such disclosure such member or employee shall not participate in any action by the fund authorizing such transaction. Actions taken when such member or employee reasonably believed that he or she had no conflict shall not be invalidated because of such conflict. The fact that a member is also an officer or owner of an orgainzation shall not be deemed to be a direct or indirect interest unless (1) such member has an ownership interest of greater than five per cent in such organization or (2) the transaction in question does not involve all similar organizations, but rather involves only the fund and such organization.

Sec. 6. That section 76-1620, Revised Statutes Supplement, 1980, be amended to read as follows:

76-1620. The fund shall have the following duties:

(1) To invest any funds not needed for immediate disbursement, including any funds held in reserve, in direct and general obligations of or obligations fully and unconditionally guaranteed by the United States of America, obligations issued by agencies of the United State of America, any obligations of the United States of America or agencies thereof, obligations of this state, or any obligations or securities which may from time to time be legally purchased by governmental subdivisions of this state pursuant to section 77-2341, except that any funds pledged to secure a bond issue shall be invested in the manner permitted by the indenture securing such bonds;

(2) To collect fees and charges, as the fund determines to be reasonable, in connection with its loans, advances, insurance, commitments, and servicing;

(3) To cooperate with and exchange services, personnel and information with any federal, state, or local governmental agency;

(4) To sell, at public or private sale, with or without public bidding, any mortgage or other obligation held by the fund; and

(5) To do any act necessary or convenient to the

exercise of the powers granted by sections 76-1601 to 76-1651 or reasonably implied from it.

Sec. 8. That section 76-1631, Revised Statutes Supplement, 1980, be amended to read as follows:

76-1631. The bonds shall be authorized by a resolution of the fund, shall bear such date or dates, and shall mature at such time or times as such resolution may provide, except that no bond shall mature more than fifty years from the date of its issue, as the resolution shall provide. The bonds shall bear interest at such rate or rates, including variations of such rates, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, including redemption prior to maturity, as such resolution may provide, except that facsimile signatures of all members of the fund shall be sufficient only if the resolution requires that the trustee for such bond issue manually authenticate each bond and the resolution permits the use of facsimile signatures. The provisions of section 10-126, shall not apply to bonds issued by the fund. Bonds of the fund may be sold by the fund at public or private sale, and at such price or prices as the fund shall determine.

Sec. 9. That section 76-1635, Revised Statutes Supplement, 1980, be amended to read as follows:

76-1635. The bonds may be secured by a trust indenture, which may be in the form of a bond resolution or similar contract, by and between the fund and a corporate trustee which may be any financial institution ~~bank~~ having the power of a trust company or any trust company within or without the state. Such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the fund in relation to the exercise of its powers and the custody, safekeeping and application of all money. The fund may provide by the trust indenture for the payment of the proceeds of the bonds and the revenue to the trustee under the trust indenture or other depository, and for the method of disbursement thereof, with such safeguards and restrictions as the fund may determine. All expenses incurred in carrying out the trust indenture may be treated as a part of the operating expenses of the fund. If the bonds shall be secured by a trust indenture, the bondholders shall have no authority to appoint a separate trustee to represent them.

Sec. 10. That section 76-1638, Revised Statutes Supplement, 1980, be amended to read as follows:

76-1638. Neither the members of the fund nor any other person executing the bonds issued under sections 76-1601 to 76-1651 shall be subject to personal liability or accountability by reason of the issuance thereof. The fund shall have power to indemnify any fund member to the same extent that a school district may indemnify a school board member pursuant to section 79-4,155.

Sec. 11. That section 76-1648, Revised Statutes Supplement, 1980, be amended to read as follows:

76-1648. All property acquired or held by the fund under sections 76-1601 to 76-1651 is declared to be public property used for public and governmental purposes, and all the property, income therefrom, and bonds issued under sections 76-1601 to 76-1651, interest payable thereon and income derived therefrom, shall at all times be exempt from all taxes imposed by this state, any county, any city, or any other political subdivision of this state. If the fund is dissolved, the ownership of any assets remaining after all indebtedness and other obligations of the fund have been discharged shall pass to the state. The fund may, in the resolution authorizing the issuance of any series of bonds, elect to have the income on such bonds be subject to personal income taxation imposed by this state. The fund is hereby allocated the entire state allocation provided in the federal Mortgage Subsidy Bond Tax Act of 1980.".

2. On page 10, line 9, after "persons" insert an underscored period; and strike beginning with the comma in line 9 through the period in line 12 and show as stricken.

3. On page 11, line 2, strike "76-1619, and 76-1622" and insert "76-1609, 76-1615, 76-1619, 76-1620, 76-1622, 76-1631, 76-1635, 76-1638, and 76-1648".

4. Renumber original sections 3, 4, and 5 as sections 5, 7, and 12, respectively.

(Signed) John W. DeCamp, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 478 in the Journal. No objections. So ordered.

1. On page 2, line 19, strike "and" and show as stricken; and in line 20 after "elbow" insert ", and (6) individuals who have been certified as mentally disabled by the Social Security Administration of the United States".

Mr. Lamb asked unanimous consent to print the following amendment to LB 317 in the Journal. No objections. So ordered.

1. On page 11, line 1 after "Each" insert "community-based service, program, or facility within each mental retardation region which desires to receive funds designated by the office of mental retardation for a mental retardation region and each"; in line 2 strike "1973" and insert "~~1973~~ 1982"; in line 5 after "region" insert "or community-based service, program, or facility"; and in line 20 after the period insert "The office of mental retardation may use funds designated for a mental retardation region to fund agencies within the region which would provide community-based services, programs, and facilities for the mentally retarded.".

Mr. Hoagland asked unanimous consent to print the following amendments to LB 253 in the Journal. No objections. So ordered.

1. On page 4, line 24, strike from "annual" to "fabricated" on Line 27 and insert, "ten or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year and who makes, produces, manufactures, processes, or fabricates tangible personal property"
2. On page 5, line 7, strike from "annual" to "sales" on line 9 and insert, "10 or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year and who sells"
3. On page 5, line 15, strike from "annual" to "of" on line 17 and insert, "10 or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year and who sells"

1. On page 4, line 2, strike the new matter and reinstate the stricken matter.

ANNOUNCEMENTS

Mr. V. Johnson announced the Administrative Rules and Regulations Review Committee will hold a public hearing on Wednesday, March 25, 1981, in room 1113 of the State Capitol Building at 7:30 p.m.

The topic of the hearing will be the registration of race horses by the Nebraska Thoroughbred Breeders Association for the Nebraska Racing Commission. These horses are commonly referred to as "Nebraska-bred" horses for the purposes of "Nebraska-bred races" held in conjunction with the racing meets across the state.

The Committee will investigate the statutory authority for the Association to register the Nebraska-bred horses for the Racing Commission and for the charging of a fee. Also being considered is the rate structure of the Thoroughbred Breeders Association membership dues.

Testimony will be taken by the Committee from all interested parties pertaining to the above topic.

Mr. Warner announced the Appropriation Committee will hold the following executive meetings:
Monday, March 23, 1981 at adjournment and
Tuesday, March 24, 1981 - 7:00 p.m.
Wednesday, March 25, 1981 - 7:00 p.m.
Thursday, March 26, 1981 - 7:00 p.m.
in Room 1003.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 157A. By Wesely, 26th District.
This bill introduced on behalf of: LB 157.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 157, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

LEGISLATIVE BILL 472A. By Hoagland, 6th District.
This bill introduced on behalf of: LB 472.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 472, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 427A. By Wiitala, 31st District.
This bill introduced on behalf of: LB 427.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 427, Eighty-seventh Legislature, First Session, 1981.

RESOLUTION

LEGISLATIVE RESOLUTION 46.

Introduced by Lamb, 43rd District; Barrett, 39th District; Beyer, 3rd District; Burrows, 30th District; Carsten, 2nd District; Chronister, 18th District; Clark, 47th District; Cope, 36th District; DeCamp, 40th District; Dworak, 22nd District; Fenger, 45th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; L. Johnson, 15th District; V. Johnson, 8th District; Kahle, 37th District; Kilgarin, 7th District; Labedz, 5th District; Landis, 46th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Newell, 13th District; R. Peterson, 35th District; Pirsch, 10th District; Remmers, 1st District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Stoney, 4th District; Vickers, 38th District; Von Minden, 17th District; Warner, 25th District; Wesely, 26th District; Wiitala, 31st District.

WHEREAS, Mrs. Marie Nichol was a resident of Scottsbluff, Nebraska for over fifty years; and

WHEREAS, Mrs. Nichol died at the age of eighty-five on March 13, 1981; and

WHEREAS, Mrs. Nichol was a homemaker and mother of two children including Senator William Nichol; and

WHEREAS, Mrs. Marie Nichol was active in her women's church group and in the extension and 4-H clubs of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Legislature extends its deepest sympathy to the family of Marie Nichol and that a copy of this resolution be presented to Senator Nichol on behalf of the family.

Laid over.

VISITORS

Visitors to the Chamber were 15 boy scouts from Troop 2, Lincoln; and former Senator Ralph Kelly from Grand Island.

ADJOURNMENT

At 4:28 p.m., on a motion by Mr. Hefner, the Legislature adjourned until 9:00 a.m., Tuesday, March 24, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY - MARCH 24, 1981

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 24, 1981

Pursuant to adjournment, the Legislature met at 9:06 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Wayne C. Schroeder, Pastor of the Calvary Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, Messrs. V. Johnson, Koch, Newell, H. Peterson, Wagner, and Warner who were excused; and Mrs. Marsh, Messrs. Burrows, Fowler, and Goodrich who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Eighth Day was approved.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 98. Placed on General File as amended.
Standing Committee amendments to LB 98:
Req. No. 2211

1. On page 2, lines 4 through 24, strike the new matter and reinstate the stricken matter; strike beginning with "or" in line 15 through "section" in line 16 and show as stricken; and in line 25 after "original" insert "sections 60-311.02 and 60-330, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 26 strike "is" and insert "are".

2. Insert the following new sections:

"Section 1. That section 60-311.02, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-311.02. The letters and figures for motorcycles and trailer plates may be one half the size of those required herein for motor vehicles. On number plates issued to a manufacturer or dealer there shall be displayed, in addition to the registration number, the letter D. On plates issued to any governmental or political subdivision, except plates for use on a vehicle used primarily for special investigatory law enforcement purposes, there shall be displayed a designation sufficient to identify the type of subdivision to which the plates are issued. On trucks there shall be displayed, in addition to the registration number, the weight that such vehicle is licensed for, which is to be displayed by sticker or tab on the registration plates thereof in letters and figures of such size and design as shall be determined and furnished by the Department of Motor Vehicles. Where two registration plates are issued, one shall be prominently displayed at all times on the front and one on the rear of the registered vehicle. Where only one plate is issued, it shall be prominently displayed on the rear of the registered vehicle, except for truck-tractors upon which it shall be prominently displayed on the front thereof. Any violation of this section shall be subject to a penalty or penalties as provided for by ~~the provisions of~~ section 39-6,188.

Sec. 2. That section 60-330, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-330. The registration fee on local and local commercial trucks shall be based on the gross vehicle weight as defined in section 60-331, and local and local commercial trucks shall be registered at a fee of thirty per cent of the commercial registration fee; Provided, that no local or local commercial truck shall be registered for a fee of less than eighteen dollars; and provided further, the registration fee for each pickup truck with a factory rated capacity of one ton or less shall be eighteen dollars, except that commercial pickup trucks with a gross load of over three tons shall be registered for the fee provided for commercial trucks. For the registration of farm trucks, the registration fee shall be for one ton or less factory rated carrying capacity, eighteen dollars, and in excess of one ton, twenty-two dollars. Truck-tractor and semitrailer combinations owned and used exclusively by irrigation districts, natural resources districts, or other political subdivisions of the State of Nebraska for the hauling of their draglines, bulldozers, caterpillar tractors, and ditchers shall pay ~~the~~ a registration fee ~~as provided in section 60-333~~ of eighteen dollars. Pole and cable reel trailers owned and operated exclusively by public utility companies shall be licensed at a fee based on two dollars for each one thousand pounds load to be hauled or any fraction thereof and such load shall not exceed sixteen thousand pounds.

Sec. 4. All motor vehicles, as defined in section 60-401, owned, acquired, or leased by a governmental or political subdivision of this state, except motor vehicles used primarily for special investigatory law enforcement purposes, shall be indelibly and conspicuously lettered on each side thereof or on the back of each such motor vehicle, in plain letters of a contrasting or reflective material, with the name of such governmental or political subdivision.”.

3. Renumber original sections 1 and 2 as sections 3 and 5.

LEGISLATIVE BILL 226. Placed on General File as amended.
Standing Committee amendments to LB 226:

1. On page 2, line 2, after “purpose” insert “of sections 1 to 38”; in line 10 strike beginning with “septic” through “and”; in line 15 after “purposes” insert “of sections 1 to 38”; and in line 17 strike “19” and insert “15”.

2. On page 7, lines 15 and 22, strike “43” and insert “38”; in line 18 strike both commas and before “pump” insert “and”; strike beginning with the first “and” in line 19 through “installation” in line 20; in line 24 strike “four” and insert “five”; in line 25 strike “two” and insert “three”; and strike beginning with “two” in line 26 through the comma in line 27.

3. On page 8, line 2, strike “four” and insert “five”; and in line 4 strike “two” and insert “three”.

4. On page 9, line 1, strike “septic tank installation” and insert “irrigation water well”; and in line 4 strike “septic tank” and insert “pump”.

5. On page 10, line 10, after “employees” insert an underscored comma; and in line 23 strike “43” and insert “38”.

6. On page 11, lines 4, 6, 22, 24, 25, and 27 strike “43” and insert “38”; in line 11 strike the comma and insert “and”; and in line 12 strike beginning with the comma through the second “contractors”.

7. On page 12, line 8, before "of" insert "of sections 1 to 38"; in line 10 after the semicolon insert "and"; in line 12 after "wells" insert an underscored period; strike beginning with the semicolon in line 12 through the period in line 17; strike beginning with the comma in line 20 through "systems" in line 21; in line 23 strike "(1)", and strike "(a)" and insert "(1)"; in line 25 strike "(b)" and insert "(2)"; and in line 27 strike "(c)" and insert "(3)".

8. On page 13, strike lines 3 through 13; strike beginning with "and" in line 15 through "Association" in line 16; in line 21 strike the comma and insert "or"; strike beginning with the comma in line 22 through "contractor" in line 23; in line 24 strike the comma and insert "or"; strike beginning with the comma in line 25 through "respectively" in line 26; and in line 27 strike "initial".

9. On page 14, line 1, strike "Nebraska Well Drillers' Association" and insert "department"; in line 4 strike "association" and insert "department"; strike beginning with "Upon" in line 4 through the period in line 7; in line 8 strike "27" and insert "23"; in line 12 strike the comma and before the second "the" insert "or"; strike beginning with the comma in line 13 through "systems" in line 15; and in line 18 strike "43" and insert "38".

10. On page 15, line 1, before "this" insert "sections 1 to 38 of"; in line 2 strike the comma and insert "or"; strike beginning with the comma in line 3 through "contractors" in line 4; in line 6 after "to" insert "sections 1 to 38 of"; strike beginning with "If" in line 6 through "the" in line 7 and insert "The"; in line 14 before "this" insert "sections 1 to 38 of"; and in line 26 strike "43" and insert "38".

11. On page 16, lines 4 and 10, after "to" insert "sections 1 to 38 of"; and in line 15 strike "27" and insert "23".

12. On page 17, line 5, strike the comma and insert "or"; strike beginning with the comma in line 7 through "systems" in line 8; in lines 9, 18, 20, and 27 strike "43" and insert "38"; and in line 25 after "to" insert "sections 1 to 38 of".

13. On page 18, line 7, strike "this" and after "section" insert "31 of this act".

14. On page 19, line 4, strike the comma and insert "or"; in line 5 strike beginning with "or" through the second comma; and in line 27 strike "39" and insert "34".

15. On page 20, lines 8, 16, and 22, strike "43" and insert "38"; in line 9 strike the comma and insert "or"; strike beginning with the comma in line 11 through "systems" in line 12; in line 13 after "in" insert "sections 1 to 38 of"; in line 17 strike the comma and insert "or"; and strike beginning with the comma in line 19 through "systems" in line 20.

16. On page 21, lines 1 and 19 strike "43" and insert "38".

17. Strike original sections 9, 10, 11, 12, 17, and 39.

18. Renumber original sections 13 to 16 as sections 9 to 12, original sections 18 to 38 as 13 to 33, and original sections 40 to 48 as 34 to 42 respectively.

LEGISLATIVE BILL 344. Placed on General File as amended.
Standing Committee amendments to LB 344:

1. On page 4, line 8, after "citation" insert "and thirty days after the motorist has received notice from the appropriate official of the consequences of failure to comply".

2. On page 6, line 11, strike "this or"; and strike beginning with "or" in line 12 through "court" in line 13 and insert "outside this state pursuant to the Nonresident Violator Compact, until satisfactory evidence of compliance with the terms of the citation has been furnished to the director".

(Signed) Maurice Kremer, Chairperson

Revenue

LEGISLATIVE BILL 454. Placed on General File.

LEGISLATIVE BILL 172. Placed on General File as amended.
Standing Committee amendments to LB 172:

1. On page 7, line 10, strike "each", show as stricken, and insert "the second";

2. Strike original sections 8 and 9.

3. On page 14, line 3, strike "sections 66-404," and insert "section"; and in line 4 strike "and 66-609,".

4. Renumber remaining sections accordingly.

LEGISLATIVE BILL 304. Placed on General File as amended.
Standing Committee amendment to LB 304:

1. On page 6, line 25, strike "ten" and insert "two business".

LEGISLATIVE BILL 360. Placed on General File as amended.
Standing Committee amendments to LB 360:
Req. No. 2066

1. On page 2, lines 5 and 19, page 3, line 6, and page 4, lines 2, 6, 15, and 24, insert ", except one registered as a farm truck" after "axles".

2. On page 2, line 10, strike "66-441" and insert "subsection (4) of section 66-410.03".

2. Insert a new section to read:

"Sec. 3. That section 66-410.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-410.03. (1) The advance arrangements referred to in section 66-410.02 shall include the procuring of a permit and the furnishing and maintaining of security as defined in section 66-404 in a sum to be fixed and determined by the Tax Commissioner but not less than one thousand dollars to assure the required reporting, payment of tax, keeping of records, and payment of any penalties. The amount of security as fixed and determined by the Tax Commissioner shall be approximately two times the average monthly liability of the permitholder. Such security shall run to the Department of Revenue of the State of Nebraska and be conditioned upon the payment of all taxes, interest, penalties, and costs for which such operator is liable, whether such liability was incurred prior to or after such security is filed.

(2) Such permit may be obtained upon application to the Tax Commissioner. The Tax Commissioner shall charge a fee of one dollar for each permit issued. The holder of a permit under this section shall have the privilege of bringing into this state in the fuel supply tanks of motor vehicles any amount of motor vehicle fuel or special fuel to be used in the operation of the vehicles and for that privilege shall pay Nebraska motor vehicle fuel or special fuel taxes.

(3) Each vehicle operated into or through Nebraska in interstate operations using motor vehicle fuel or special fuel acquired in any other state shall carry in or on each vehicle a duplicate of the permit required in this section. All fees collected shall be deposited in the state treasury and by the State Treasurer credited to the ~~General~~ Highway Cash Fund.

(4) In lieu of the permit and security required by subsection (1) of this section, the Department of Revenue shall provide for a trip permit to be issued.

Such trip permits shall be issued by various vendor stations within the state, as determined appropriate by the Department of Revenue, for a fee of ten dollars. Such permits shall be valid for a period of seventy-two hours. No more than three permits shall be used by any one owner of lessee during a single month. The Department of Revenue may contract with another state agency to act as its agent in collecting such fees and shall periodically remit all such fees collected to the State Treasurer for deposit in the Highway Cash Fund.".

4. Renumber original sections 2 to 4 as sections 3 to 5.

5. On page 2, strike lines 22 to 26, show the old matter as stricken, and insert: "subject to an administrative penalty of one hundred dollars for each violation to be credited to the Highway Cash Fund.".

6. On page 3, line 12, insert "except as provided in subsection (4) of section 66-410.03" after "66-428"; and strike the new matter in lines 12 to 21.

7. On page 5, line 1, strike "66-441" and insert "66-410.03, 66-441," and in line 3 insert ", and also sections 66-504 and 66-634, Reissue Revised Statutes of Nebraska, 1943" after "1980".

LEGISLATIVE BILL 506. Placed on General File as amended.

Standing Committee amendments to LB 506:

1. On page 2, lines 1 and 4, strike "17" and insert "15"; in line 11 after the semicolon insert "and"; in line 15 strike "; and " and insert an underscored period; and strike lines 16 through 18.

2. On page 3, line 5, strike "section 84-306.01" and insert "sections 84-306.01 to 84-306.05".

3. On page 6, lines 10 and 15, strike "17" and insert "15".

4. Strike original sections 15, 16, 17, and 19.

5. Insert a new section as follows:

"Sec. 15. For fiscal year 1981-82, five hundred thousand dollars shall be allocated to the University of Nebraska Board of Regents to be used in support of the research program of the Eppley Institute for Research in Cancer and Allied Diseases.".

6. On page 8, line 5, strike "eight" and insert "~~eight~~ nine"; and in line 7 strike the new matter and reinstate the stricken matter.

7. On page 9, strike lines 24 through 27.

8. On page 10, strike line 1; and in line 2 strike the new matter and reinstate the stricken matter.

9. On page 12, line 22, strike "sections 77-2608 and" and insert "section".

10. Renumber original sections 18, 20, 21, and 22 as sections 16, 17, 18, and 19, respectively.

LEGISLATIVE BILL 48. Indefinitely postponed.
LEGISLATIVE BILL 62. Indefinitely postponed.
LEGISLATIVE BILL 299. Indefinitely postponed.
LEGISLATIVE BILL 332. Indefinitely postponed.
LEGISLATIVE BILL 342. Indefinitely postponed.
LEGISLATIVE BILL 343. Indefinitely postponed.
LEGISLATIVE BILL 453. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

Administrative Rules and Regulations Review

LEGISLATIVE BILL 266. Placed on General File as amended.
Standing Committee amendments to LB 266:

1. On page 2, line 1, strike "The" and insert "Within six months after the effective date of this act, the"; in line 5 after "existing" insert "residential" and strike "used for human occupancy"; in line 8 strike "may" and insert "shall"; in line 19 after "systems" insert a semicolon, and strike beginning with "with" through "the"; strike line 20; and strike beginning with "may" in line 26 through "codes" in line 27 and insert "shall conform generally with sections 1807 and 1907 and other related provisions, including sections 103, 104, 105, 106, and 502 of the Uniform Building Code published by the International Conference of Building Officials, 1979 edition, as it exists on the effective date of this act.".
2. On page 3, line 1, strike "association.".

(Signed) V. Johnson, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 239. Placed on General File as amended.
Standing Committee amendments to LB 239:

1. Strike original section 4.
2. On page 4, line 7, strike "and section 4 of this act"; in line 24 strike "and section 4 of"; and in line 25 strike "this act".
3. Renumber original sections 5 to 7 as sections 4 to 6 respectively.

LEGISLATIVE BILL 545. Placed on General File as amended.
Standing Committee amendments to LB 545:
Req. No. 2175

1. Insert the following new sections:

"Sec. 5. That section 24-215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-215. The Clerk of the Supreme Court shall, on the first day in January, April, July, and October of each year, ~~make a report to the Governor of the state under oath showing the different items of fees received,~~ ~~from whom, at what time, and for what service, and the total amount of fees received for the current year. At the time of filing such report the clerk shall~~ pay into the General Fund of the state treasury all fees of every nature and description received by him or her during the ~~time covered by the report~~ preceding three months; and the State Treasurer shall issue his or her receipt for such fees. ~~therefor, which receipt, or duplicate thereof, shall be attached to the report made to the Governor; Provided, if~~ If the clerk shall find it necessary to procure additional clerical help in preparing transcripts for use in the Supreme Court of the United States, he or she is authorized to pay for such additional help out of the fees collected for preparing such transcripts, taking proper receipts therefor; and he or she shall account for the balance of such fees as hereinbefore provided.

Sec. 13. That section 49-14,123, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-14,123. In addition to any other duties prescribed by law, the commission shall:

(1) Prescribe and publish, after notice and opportunity for public comment, rules and regulations to carry out the provisions of sections 49-1401 to 49-14,138, pursuant to the provisions of Chapter 84, article 9;

(2) Prescribe forms for statements and reports required to be filed pursuant to sections 49-1401 to 49-14,138, and furnish such forms to persons required to file such statements and reports;

(3) Prepare and publish one or more manuals explaining the duties of all persons and other entities required to file statements and reports by sections 49-1401 to 49-14,138 and setting forth recommended uniform methods of accounting and reporting for such filings;

(4) Accept and file any reasonable amount of information voluntarily supplied that exceeds the requirements of sections 49-1401 to 49-14,138;

(5) Make statements and reports filed with the commission available for public inspection and copying during regular office hours and make copying facilities available at a cost of not more than twenty-five cents per page;

(6) Compile and maintain an index of all reports and statements filed with the commission to facilitate public access to such reports and statements;

(7) Prepare and publish~~, prior to June 1 of each year, an annual report summarizing the activities of the commission,~~ summaries of statements and reports filed with the commission, and special reports and technical studies to further the purposes of sections 49-1401 to 49-14,138;

(8) Review all statements and reports filed with the commission in order to ascertain whether any person has failed to file a required statement or has filed a deficient statement;

(9) Preserve statements and reports filed with the commission for a period of five years from the date of receipt;

(10) Issue and publish advisory opinions on the requirements of sections 49-1401 to 49-14,138 upon the request of a person or governmental body directly covered or affected by sections 49-1401 to 49-14,138. Any such opinion rendered by the commission, until amended or revoked, shall be binding on the commission in any subsequent charges concerning the person or public body who requested the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion;

(11) Act as the primary civil and criminal enforcement agency for violations of the provisions of sections 49-1401 to 49-14,138 and the rules or regulations promulgated thereunder; and

(12) Receive all late filing fees and submit them to those authorities designated by law to effectuate the provisions of Article VII, section 5, of the Constitution of Nebraska.

Sec. 30. That section 81-1118.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1118.02. (1) Each executive, department, commission, or other state agency, including the Supreme Court, the Board of Regents of the University of Nebraska, the State Board of Technical Community Colleges, and the Board of Trustees of the Nebraska State

Colleges shall ~~each year~~ biennially make or cause to be made an inventory of all property, including furniture and equipment, belonging to the State of Nebraska and in the possession, custody, or control of any state officer, department, commission, or other state agency. This shall include the executive and other state agencies above mentioned. The inventory shall be completed and filed with the materiel administrator by January 31 of each even-numbered year.

(2) If any of the property of the state, referred to in subsection (1) of this section and more particularly described in said subsection, is lost, destroyed, or unaccounted for by the negligence or carelessness of the officer, department, commission, or other state agency, including the Supreme Court, the Board of Regents of the University of Nebraska, and the Board of Trustees of the Nebraska State Colleges, the administrator shall, with the advice of the Attorney General, take the proper steps to recover such state property or the reasonable value thereof from the officer or state agency charged with the same and from their bondsmen, if any.

(3) Each executive, department, commission, or other state agency, referred to in subsection (1) or (2) or in both subsections of this section, shall cause to be indelibly tagged, marked, or stamped on all such property belonging to the State of Nebraska, the following: Property of the State of Nebraska; and in the inventory required by the provisions of subsection (1) of this section, each such executive, department, commission, or other state agency shall state positively that each item of such property has been so tagged, marked, or stamped.

Sec. 36. That section 82-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

82-102. The president and secretary of the Nebraska State Historical Society shall make ~~annual~~ biennial reports to the Governor of its transactions. ~~for the previous fiscal year, the same as required of other state institutions.~~ The report shall include the transactions and expenditures of the society, together with all historical addresses which have been read before the society during the ~~year~~ preceding two years, or which furnish historical matter on data of the state and adjacent western regions.".

2. On page 62, line 5, after "3-105," insert "24-215,"; in line 6 after "48-608," insert "49-14,123,";

in line 7 after "81-8,192," insert "81-1118.02, 82-102,"; in line 15 strike "48-166," and after "54-151," insert "54-844,"; in line 20 after "81-8,261," insert "81-1108.19, 81-1244," and after the last comma insert "and"; and in line 21 strike "and 85-911,".

3. Renumber original sections 5 to 11, 12 to 27, 28 to 32, and 33 to 46 as sections 6 to 12, 14 to 29, 31 to 35, and 37 to 50 respectively.

(Signed) Martin Kahle, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 179.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 179

The following changes, required to be reported for publication in the Journal, have been made:

In the title, "77-1619," has been inserted after the first comma in line 4; and "to provide for payment of certain judgments;" has been inserted after the first semicolon in line 10.

(Signed) Emory P. Burnett
E & R Attorney

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 40, LR 41, and LR 42.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 5.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 14, of the Constitution of Nebraska, relating to the Legislature; to require reading of bills at large before final passage only if requested by a member of the Legislature; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the primary election in May, 1982, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 14, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 14. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed before the vote is taken upon its final passage. Any member of the Legislature may request that a bill be read at large before the vote is taken upon its final passage, and the bill shall be so read. No such vote upon the final passage of any bill shall be taken, however, until five legislative days after its introduction nor until it has been on file for final passage for at least one legislative day. No bill shall contain more than one subject, and the same shall be clearly expressed in the title. And no law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed. The Lieutenant Governor, or the Speaker if acting as presiding officer, shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to require reading of bills at large before final passage only if requested by a member of the Legislature.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

Beutler	Carsten	Cope	DeCamp	Fenger
Fitzgerald	Fowler	Goll	Haberman	Hefner
Higgins	Hoagland	Johnson, L.	Kahle	Kilgarin
Kremer	Landis	Marsh	Marvel	Peterson, R.
Pirsch	Remmers	Rumery	Stoney	Von Minden
Wiitala				

Voting in the negative, 13:

Barrett	Beyer	Chambers	Chronister	Cullan
Dworak	Lamb	Maresh	Nichol	Schmit
Sieck	Vickers	Wesely		

Present and not voting, 1:

Clark

Excused and not voting, 9:

Burrows	Goodrich	Johnson, V.	Koch	Labedz
Newell	Peterson, H.	Wagner	Warner	

Having failed to receive a constitutional four-fifths majority voting in the affirmative, the bill failed to pass for the primary election. The question now is, "Shall the bill pass for the general election?"

Voting in the affirmative, 25:

Carsten	Cope	DeCamp	Fenger	Fitzgerald
Fowler	Goll	Haberman	Hefner	Higgins
Hoagland	Johnson, L.	Kahle	Kilgarin	Kremer
Landis	Marsh	Marvel	Peterson, R.	Pirsch
Remmers	Rumery	Stoney	Von Minden	Wiitala

Voting in the negative, 15:

Barrett	Beutler	Beyer	Chambers	Chronister
Clark	Cullan	Dworak	Lamb	Maresh
Nichol	Schmit	Sieck	Vickers	Wesely

Excused and not voting, 9:

Burrows	Goodrich	Johnson, V.	Koch	Labedz
Newell	Peterson, H.	Wagner	Warner	

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass for the general election.

MOTION - Return LB 72 to Select File

Mr. Vickers moved to return LB 72 to Select File for the Vickers specific amendment, Req. No. 2152, found in the Journal on page 833.

The motion prevailed with 26 ayes, 5 nays, 9 present and not voting, and 9 excused and not voting.

SELECT FILE

Mr. Vickers renewed his pending amendment found in the Journal on page 833.

The amendment was adopted with 28 ayes, 4 nays, 8 present and not voting, and 9 excused and not voting.

Mr. Cullan requested a machine vote to advance the bill.

Advanced to E & R for Engrossment with 32 ayes, 2 nays, 6 present and not voting, and 9 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 73.

A BILL FOR AN ACT to amend sections 37-502, 37-503, and 37-507.01, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to permit the Game and Parks Commission to establish hours for taking certain fish; to change certain permit fees as prescribed; to provide an exception; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Beutler Beyer Carsten Chronister Cope
DeCamp Dworak Fenger Fitzgerald Fowler
Goll Hefner Higgins Hoagland Johnson, L.
Kahle Kilgarin Kremer Landis Maresh
Marsh Nichol Pirsch Rumery Sieck
Stoney Vickers Von Minden Wesely Wiitala

Voting in the negative, 9:

Barrett Chambers Clark Cullan Haberman
Lamb Marvel Peterson, R. Remmers

Present and not voting, 1:

Schmit

Excused and not voting, 9:

Burrows Goodrich Johnson, V. Koch Labedz
Newell Peterson, H. Wagner Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. CLARK PRESIDING

LEGISLATIVE BILL 104.

A BILL FOR AN ACT to amend sections 66-410, 66-428, and 66-821, Revised Statutes Supplement, 1980, relating to taxation of motor vehicle fuels; to delete an exception; to eliminate a restriction on the adjustment of a rate; to provide an exception; to redefine a term; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Barrett Beutler Beyer Carsten Chambers
Chronister Cope Cullan DeCamp Fenger
Fitzgerald Fowler Goll Haberman Hefner
Hoagland Johnson, L. Kahle Kilgarin Kremer
Lamb Landis Maresh Marsh Marvel
Nichol Peterson, R. Pirsch Remmers Rumery
Sieck Stoney Vickers Von Minden Wesely
Wiitala

Voting in the negative, 1:

Dworak

Present and not voting, 3:

Clark Higgins Schmit

Excused and not voting, 9:

Burrows Goodrich Johnson, V. Koch Labedz
Newell Peterson, H. Wagner Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 50.

A BILL FOR AN ACT relating to transportation; to provide for ridesharing arrangements as prescribed; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Barrett Beutler Beyer Carsten Chronister
Cope Cullan DeCamp Dworak Fenger
Fitzgerald Fowler Goll Haberman Hefner
Higgins Hoagland Johnson, L. Kahle Kilgarin
Kremer Lamb Landis Maresh Marsh
Nichol Peterson, R. Pirsch Remmers Rumery
Sieck Stoney Vickers Von Minden Wesely
Wiitala

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Clark Marvel Schmit

Excused and not voting, 9:

Burrows Goodrich Johnson, V. Koch Labedz
Newell Peterson, H. Wagner Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 171.

A BILL FOR AN ACT relating to facsimile signatures; to authorize the use of such signatures by certain boards; to amend section 23-343.03, Reissue Revised Statutes of Nebraska, 1943, and section 16-691, Revised Statutes Supplement, 1980; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 9:

Burrows
Goodrich
Johnson, V.
Koch
Labedz
Newell
Peterson, H.
Wagner
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 194.

A BILL FOR AN ACT to amend section 51-202, Reissue Revised Statutes of Nebraska, 1943, relating to municipal libraries; to change a requirement for the adoption of ordinances; to delete obsolete matter; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 9:

Burrows Goodrich Johnson, V. Koch Labedz
Newell Peterson, H. Wagner Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 425.

A BILL FOR AN ACT relating to insurance; to provide for countersigning reciprocity.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Barrett Beutler Beyer Carsten Chambers
Chronister Clark Cope Cullan DeCamp
Dworak Fenger Fitzgerald Fowler Goll
Haberman Hefner Higgins Hoagland Johnson, L.
Kahle Kilgarin Lamb Landis Maresh
Marsh Marvel Nichol Peterson, R. Remmers
Rumery Schmit Sieck Stoney Vickers
Von Minden Wesely Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Kremer Pirsch

Excused and not voting, 9:

Burrows Goodrich Johnson, V. Koch Labedz
Newell Peterson, H. Wagner Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 475. With Emergency.

A BILL FOR AN ACT to amend sections 24-715 to 24-717, 24-719 to 24-723, and 24-726 to 24-728, Reissue Revised Statutes of Nebraska, 1943, relating to the judiciary; to harmonize provisions with the Constitution of Nebraska; to change the membership of the Commission on Judicial Qualifications; to provide additional disciplinary measures and an additional ground for discipline; to provide procedures; to repeal the original sections; and to declare an emergency.

MOTION - Return LB 475 to Select File

Mr. Chambers moved to return LB 475 to Select File for the following specific amendment:

On Pg. 10 Line 10 and 11 strike "without salary" and in line 16 after the word "Retirement" Insert " In the event that such Justice or Judge shall be found not guilty or shall not be removed or retired, any salary which was withheld shall be paid"

Mr. Chambers asked unanimous consent to lay the bill over.

Mr. DeCamp objected.

Mr. Chambers moved to have LB 475 laid over.

The motion lost with 16 ayes, 21 nays, 3 present and not voting, and 9 excused and not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CLARK PRESIDING

Mr. Buetler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 11 nays, and 14 not voting.

SPEAKER MARVEL PRESIDING

Mr. Stoney moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Chambers motion to return to Select File for a specific amendment lost with 5 ayes, 28 nays, 6 present and not voting, and 10 excused and not voting.

Mr. Chambers moved to return LB 475 to Select File for the following specific amendment:

Page 10, lines 7-16, strike all of section 9.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 6:

Chambers
Dworak
Fitzgerald
Haberman
Kremer
Vickers

Voting in the negative, 32:

Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Fenger
Fowler
Goll
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Lamb
Landis
Maresh
Marsh
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wesely
Wiitala

Present and not voting, 2:

Marvel
Schmit

Excused and not voting, 9:

Burrows
Goodrich
Johnson, V.
Koch
Labedz
Newell
Peterson, H.
Wagner
Warner

The Chambers motion to return to Select File for a specific amendment lost with 6 ayes, 32 nays, 2 present and not voting, and 9 excused and not voting.

BILLS ON FINAL READING

LEGISLATIVE BILL 475. With Emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Barrett	Beutler	Beyer	Carsten	Chronister
Clark	Cope	Cullan	DeCamp	Fenger
Fitzgerald	Fowler	Goll	Hefner	Higgins
Hoagland	Johnson, L.	Kahle	Kilgarin	Kremer
Lamb	Landis	Maresh	Marsh	Marvel
Nichol	Peterson, R.	Pirsch	Remmers	Rumery
Schmit	Sieck	Stoney	Vickers	Von Minden
Wiitala				

Voting in the negative, 4:

Chambers	Dworak	Haberman	Wesely

Excused and not voting, 9:

Burrows	Goodrich	Johnson, V.	Koch	Labedz
Newell	Peterson, H.	Wagner	Warner	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 500.

A BILL FOR AN ACT relating to capital stock associations; to define terms; to authorize organization of such associations as prescribed; to provide procedures; to provide limitations; and to authorize conversions as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Barrett	Beutler	Beyer	Carsten	Chronister
Clark	Cope	DeCamp	Fenger	Fitzgerald
Fowler	Goll	Haberman	Hefner	Higgins
Hoagland	Johnson, L.	Kahle	Kilgarin	Kremer
Lamb	Landis	Maresh	Marsh	Marvel
Nichol	Peterson, R.	Pirsch	Remmers	Rumery
Schmit	Sieck	Stoney	Vickers	Von Minden
Wesely	Wiitala			

Voting in the negative, 2:

Cullan	Dworak

Present and not voting, 1:

Chambers

Excused and not voting, 9:

Burrows	Goodrich	Johnson, V.	Koch	Labedz
Newell	Peterson, H.	Wagner	Warner	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 334A. By Warner, 25th District.
This bill introduced on behalf of: LB 334.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 334, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

ATTORNEY GENERAL'S OPINION

Opinion No. 59
March 20, 1981

Dear Senator Stoney:

You have asked for our opinion in connection with Section 7 of LB 17. You ask whether or not it would be proper for the Legislature to override a previous vote of the people in this matter? Would such a statutory change create a constitutional conflict? We must decline to answer the first question you ask. It is obvious that the first question calls for a resolution of certain policy questions that are appropriately made by the Legislature but are not questions of a legal nature nor questions whose resolution is appropriately referred to our office. In regard to your second question, we have concluded that such a change would not violate any constitutional provision.

Section 7 of LB 17 would adopt a new provision under the Local Option Tax Control Act which would automatically end any limitation placed on budgets pursuant to the Local Option Tax Control Act at the end of two or more fiscal years. We have examined the Constitution of this state in an effort to find any provision which might be violated by this proposed legislation. We can find none. The Local Option Tax Control Act is a statute enacted by the Legislature which establishes certain rights and certain procedures in relationship to the budgets of the local political subdivisions. This amendment simply indicates that once a budget limitation has been imposed pursuant to this Act different than the normal budget limitation applying to local political subdivisions, it shall be operative for two fiscal years.

Thereafter if the voters of that district wish to continue a budget limitation of either greater than that normally authorized by statute or that less than normally authorized by statute, they may readopt such a budget limitation either through the petition drive method or through placing the proposition on the ballot by the action of the governing board of that political subdivision. We can find no provision of the Constitution which would be violated by the Legislature amending a statute to more expansively treat this subject.

As an additional matter we would point out that there is no particular interest inuring in the citizens of a particular political subdivision in maintaining the level of expenditures of that subdivision at any specific dollar amount. Obviously, changing economic circumstances may require greater or less expenditure of public monies to accomplish the purpose of the particular political subdivision. Representative government presumes that those persons elected to govern the political subdivision are charged with making those economic decisions. They are not generally ballot box decisions on an annual basis. That of course is not to say that the voters of political subdivisions have no say with respect to the budget to be adopted by any particular subdivision. Clearly the Legislature has specified those rights under the Local Option Tax Control Act and as provided for in the Constitution under the initiative and referendum provisions except as those items are limited with respect to the ability of the governmental subdivision to fund its requisite operations.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 168 in the Journal. No objections. So ordered.

1. On page 2 of the Committee Amendments, reinstate the stricken matter beginning with the comma on line 13 through "assessor" on line 14 and insert a comma; On line 17, after "year,", insert "the year, make, model, and size of each mobile home,".

Mr. Hoagland asked unanimous consent to print the following amendment to LB 253 in the Journal. No objections. So ordered.

1. On page 19, line 5, strike "1986" and insert "1984".

VISITORS

Visitors to the Chamber were 12 adults, South West Omaha Republican Women, Omaha; 30 students and teachers from St. Francis School, Humphrey; 27 students, sponsors, and teacher from St. John's Lutheran School, Seward; and four visitors from Taiwan.

RECESS

At 11:46 a.m., on a motion by Mr. Carsten, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:39 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, Messrs. V. Johnson, Koch, Newell, H. Peterson, and Wagner who were excused; and Messrs. Burrows, Goodrich, Fowler, Remmers, Schmit, Haberman, and Beutler who were excused until they arrive.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 488. Placed on General File as amended.
Standing Committee amendments to LB 488:
Req. No. 2223

1. Strike original section 3 and insert the following new section:

"Sec. 3. That section 75-104, Revised Statutes Supplement, 1980, be amended to read as follows:

75-104. As soon as the same may be payable under the Constitution of Nebraska, each of the commissioners shall receive an annual salary of ~~twenty-five~~ twenty-seven thousand dollars, payable in the same manner that the salaries of other state officers are paid. In addition thereto, the commissioners, secretary, clerks, and other employees of the commission shall be entitled to receive from the state their actual necessary traveling expenses, which shall include the cost of transportation while traveling on the business of the commission, to be paid in the same manner as other claims against the state; Provided, that in computing the cost of transportation for commissioners, secretary, clerks, and other employees, no mileage or other traveling expense shall be claimed or allowed unless the provisions of sections 84-306 to 84-306.05 are strictly complied with.”.

2. On page 2, line 18, strike “forty-seven” and insert “fifty”; and in line 19 strike “five hundred”.

3. On page 3, line 12 after “basis” insert “to be used only for official state business”; and in line 14 after the period insert “Each constitutional officer shall keep a record of the mileage traveled, the points between which such travel occurred, and the purpose of the travel.”.

4. On page 5, line 16 strike “forty-five” and insert “forty-eight”.

5. On page 6, in lines 6, 8, 10, and 12 strike “thirty-seven” and insert “forty”; in lines 7, 9, 10, and 12 strike “five hundred”; in line 21 strike “sections 3 and” and insert “section”; and in line 24 after “sections” insert “75-104,”, and after “84-201.01” insert a comma.

(Signed) Martin Kahle, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Introduce New Bills

Mr. Hefner moved for the introduction of a new bill by the Miscellaneous Subjects Committee, Req. 925.

The motion prevailed with 31 ayes, 0 nays, 4 present and not voting, and 14 excused and not voting.

Mr. Hefner moved for the introduction of a new bill by the Miscellaneous Subjects Committee, Req. 926.

The motion prevailed with 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

Mr. Hefner moved for the introduction of a new bill by the Miscellaneous Subjects Committee, Req. 927.

The motion prevailed with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

Mr. Hefner moved for the introduction of a new bill by the Miscellaneous Subjects Committee, Req. 928.

The motion prevailed with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 551. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Barrett, 39th District; Beyer, 3rd District; Cullan, 49th District; Fenger, 45th District; Newell, 13th District; Fitzgerald, 14th District; Von Minden, 17th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to apportionment; to repeal sections 5-107 and 5-107.01, Reissue Revised Statutes of Nebraska, 1943; to remove provisions establishing public service commissioner districts.

LEGISLATIVE BILL 552. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Barrett, 39th District; Beyer, 3rd District; Cullan, 49th District; Fenger, 45th District; Newell, 13th District; Fitzgerald, 14th District; Von Minden, 17th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to apportionment; to repeal section 5-109 and 5-110, Reissue Revised Statutes of Nebraska, 1943; to remove provisions establishing Supreme Court judicial districts.

LEGISLATIVE BILL 553. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Barrett, 39th District; Beyer, 3rd District; Cullan, 49th District; Fenger, 45th District; Newell, 13th District; Fitzgerald, 14th District; Von Minden, 17th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to apportionment; to repeal sections 85-103, 85-103.01, and 85-103.02, Reissue Revised Statutes of Nebraska, 1943; to remove provisions establishing Board of Regents districts.

LEGISLATIVE BILL 554. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Barrett, 39th District; Beyer, 3rd District; Cullan, 49th District; Fenger, 45th District; Newell, 13th District; Fitzgerald, 14th District; Von Minden, 17th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to apportionment; to repeal sections 79-322, 79-322.01, and 79-322.02, Reissue Revised Statutes of Nebraska, 1943; to remove provisions establishing State Board of Education districts.

MOTION - Introduce New Bill

Mr. Wiitala moved to suspend the Rules, Rule 5, Section 5 to permit the introduction of a new bill, Req. 937.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

The Wiitala motion prevailed with 31 ayes, 1 nay, 7 present and not voting, and 10 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 555. By Wiitala, 31st District; Higgins, 9th District; Fenger, 45th District; Labedz, 5th District; Pirsch, 10th District; Beyer, 3rd District; Newell, 13th District; Kilgarin, 7th District; V. Johnson, 8th District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT to amend sections 53-103 and 53-168, Revised Statutes Supplement, 1980, relating to liquors; to redefine terms; to authorize certain acts; to repeal the original sections; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 376 in the Journal. No objections. So ordered.

Amend LB 376 by adding new section 1.
8-157 - First Paragraph. (1) Except as provided in subsection (II) of this section, no.
(II) With the approval of the Director and that of the majority of the members of a cooperative credit association, any bank chartered by the

State of Nebraska or national banking association whose main chartered office is located in the State of Nebraska may place a full service office in any village located in the same county as said bank and which a cooperative credit association is in operation; provided, the members of said cooperative credit associaition agree to discontinue operation of the cooperative credit association and provided further; that the bank assumes the assets and liabilities of the cooperative credit association through pruchase, merger, consolidation, or otherwise. This office may be maintained as a full service branch office and may offer all the services permitted to be offered by the bank at its main office. Such branch office may be relocated within the same village but may not be moved to another city or village.

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CLARK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 253. Title read. Considered.

Standing Committee amendments found in the Journal on page 676 for the Thirty-Second Day were adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Hoagland renewed his pending amendment found in the Journal on page 1079 which reads as follows:

1. On page 4, line 2, strike the new matter and reinstate the stricken matter.

The amendment lost with 11 ayes, 13 nays, 14 present and not voting, and 11 excused and not voting.

Mr. Hoagland renewed his other pending amendment found in the Journal on page 1079.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. Hoagland requested a roll call vote.

SPEAKER MARVEL PRESIDING

Voting in the affirmative, 15:

Barrett	Carsten	Chambers	Clark	Cope
Cullan	Dworak	Fowler	Hefner	Hoagland
Maresh	Pirsch	Stoney	Vickers	Wiitala

Voting in the negative, 24:

Beyer	Chronister	DeCamp	Fenger	Fitzgerald
Goll	Haberman	Higgins	Johnson, L.	Kahle
Kilgarin	Kremer	Lamb	Landis	Marsh
Marvel	Nichol	Peterson, R.	Rumery	Schmit
Sieck	Von Minden	Warner	Wesely	

Excused and not voting, 10:

Beutler	Burrows	Goodrich	Johnson, V.	Koch
Labedz	Newell	Peterson, H.	Remmers	Wagner

The Hoagland amendment lost with 15 ayes, 24 nays, and 10 excused and not voting.

The Chair declared the Call raised.

Mr. Dworak offered the following amendment:
Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. The intent of this act is to create incentives for the manufacturer, distributor, dealer, and consumer of beverage containers to reuse or recycle such containers, therby removing the blight on the landscape caused by the disposal of these containers on the highways and streets of the state and reducing the cost of litter collection and solid waste disposal. This act is also intended to encourage the conservation of energy and natural resources by promoting the use of refillable beverage containers.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Beverage shall mean beer or other malt beverages, mineral waters, soda water, and similar carbonated soft drinks in liquid form intended for human consumption;

(2) Beverage container shall mean the individual, separate, sealed glass, metal, or plastic bottle, can, jar, or carton containing a beverage;

(3) Dealer shall mean any person in this state who engages in the sale of beverages in beverage containers to a consumer;

(4) Distributor shall mean any person who engages in the sale of beverages in beverage containers to a dealer in this state including any manufacturer who engages in such sale;

(5) In this state shall mean within the exterior limits of the State of Nebraska and includes all territory within such limits owned by or ceded to the United States of America;

(6) Manufacturer shall mean any person who bottles, cans, or otherwise fills beverage containers for sale to any distributor or dealer;

(7) Place of business of a dealer shall mean the location at which a dealer sells or offers for sale beverages in beverage containers to consumers; and

(8) Use or consumption shall include the exercise of any right or power over a beverage incident to the ownership thereof, other than the sale or the keeping or retention of a beverage for the purpose of sale.

Sec. 3. Every beverage container sold or offered for sale in this state shall have a refund value of not less than five cents.

Sec. 4. Except as provided in section 5 of this act:

(1) A dealer shall not refuse to accept from any person any empty beverage containers of the kind, size, and brand sold by the dealer, or refuse to pay to such person the refund value of a beverage container as established by section 3 of this act; and

(2) A distributor shall not refuse to accept from a dealer any empty beverage container of the kind, size, and brand sold by the distributor, or refuse to pay the dealer the refund value of a beverage container as established by section 3 of this act.

Sec. 5. (1) A dealer may refuse to accept from a person, and a distributor may refuse to accept from a dealer, any empty beverage container which does not state thereon a refund value as established by section 3 of this act.

(2) Notwithstanding the provisions of subsection (1) of this section, no dealer shall be required to accept from a person, nor shall a distributor be required to accept from a dealer, any container which is broken, not empty, or not reasonably clean.

Sec. 6. (1) Every beverage container sold or offered for sale in this state by a dealer shall clearly indicate by embossing or by a stamp, or by a label or other method securely affixed to the beverage container, the refund value of the container.

(2) Subsection (1) of this section shall not apply to glass beverage containers designed for beverages having a brand name permanently marked thereon which, on the operative date of this act, had a refund value of not less than five cents.

Sec. 7. Any person who violates section 3, 4, or 6 of this act shall be guilty of a Class IV misdemeanor. Each day shall constitute a separate offense in cases of continued violation.

Sec. 8. The Nebraska Liquor Control Commission shall adopt and promulgate rules and regulations necessary for enforcement of labelling, embossing, or exemptions from such labelling or embossing requirements as specified in section 6 of this act. It shall also develop necessary procedures for adequate public notice and enforcement of this act.

Sec. 9. This act shall become operative on September 1, 1982.

Sec. 10. That sections 81-1534 to 81-1566, Revised Statutes Supplement, 1980, are repealed.

Mr. Dworak moved for a Call of the House. The motion prevailed with 16 ayes, 6 nays, and 27 not voting.

Mr. Dworak requested a roll call vote.

Voting in the affirmative, 14:

Barrett	Chambers	Cope	Cullan	Dworak
Fowler	Hoagland	Lamb	Maresh	Peterson, R.
Sieck	Vickers	Warner	Wesely	

Voting in the negative, 20:

Beyer	Carsten	Clark	DeCamp	Fenger
Fitzgerald	Goll	Haberman	Hefner	Higgins
Johnson, L.	Kahle	Landis	Marsh	Marvel
Nichol	Pirsch	Schmit	Stoney	Von Minden

Present and not voting, 5:

Chronister	Kilgarin	Kremer	Rumery	Wiitala

Excused and not voting, 10:

Beutler	Burrows	Goodrich	Johnson, V.	Koch
Labedz	Newell	Peterson, H.	Remmers	Wagner

The Dworak amendment lost with 14 ayes, 20 nays, 5 present and not voting, and 10 excused and not voting.

The Chair declared the Call raised.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers offered the following amendment:

Amend LB 253 by striking all the new language in Sec 10 Pg. 6 and 7.

The amendment lost with 14 ayes, 14 nays, 11 present and not voting, and 10 excused and not voting.

Messrs. DeCamp, Hoagland, and Wesely offered the following amendment:
On page 4, line 24 - strike "one hundred" and insert "three hundred fifty"
On page 5, line 8 - strike "one hundred" and insert "three hundred fifty"
On page 5, line 16 - strike "one hundred" and insert "three hundred fifty"

Mr. Clark asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved for a Call of the House. The motion prevailed with 8 ayes, 1 nay, and 40 not voting.

Mr. Wesely requested a roll call vote.

Voting in the affirmative, 28:

Barrett
Beyer
Carsten
Chronister
Cope
DeCamp
Fenger
Fitzgerald
Goll
Haberman
Hoagland
Johnson, L.
Kahle
Kilgarin
Kremer
Maresh
Marsh
Marvel
Nichol
Pirsch
Rumery
Schmit
Sieck
Vickers
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 8:

Chambers
Cullan
Dworak
Fowler
Higgins
Lamb
Landis
Stoney

Present and not voting, 1:

Peterson, R.

Excused and not voting, 11:

Beutler
Burrows
Clark
Goodrich
Johnson, V.
Koch
Labedz
Newell
Peterson, H.
Remmers
Wagner

Absent and not voting, 1:

Hefner

The DeCamp-Hoagland-Wesely amendment was adopted with 28 ayes, 8 nays, 1 present and not voting, 11 excused and not voting, and 1 absent and not voting.

MR. KAHLE PRESIDING

Mr. Cullan moved to indefinitely postpone LB 253.

Mr. Wiitala moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Cullan motion to indefinitely postpone lost with 12 ayes, 17 nays, 9 present and not voting, and 11 excused and not voting.

Mr. DeCamp moved for a Call of the House.

The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

SPEAKER MARVEL PRESIDING

Mr. DeCamp requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 18:

Carsten
DeCamp
Fenger
Fitzgerald
Goll
Hefner
Higgins
Kahle
Landis
Marsh
Marvel
Nichol
Pirsch
Schmit
Sieck
Von Minden
Wesely
Wiitala

Voting in the negative, 15:

Chambers
Cope
Cullan
Dworak
Fowler
Hoagland
Johnson, L.
Kilgarin
Kremer
Lamb
Maresh
Rumery
Stoney
Vickers
Warner

Present and not voting, 5:

Barrett
Beyer
Chronister
Haberman
Peterson, R.

Excused and not voting, 11:

Beutler
Burrows
Clark
Goodrich
Johnson, V.
Koch
Labedz
Newell
Peterson, H.
Remmers
Wagner

Failed to advance to E & R for Review with 18 ayes, 15 nays, 5 present and not voting, and 11 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

Req. No. 2226

1. Strike the original sections and amendments thereto and insert the following new sections:

"Section 1. The purpose of this section is to provide a method of distributing state funds. The sum of seventy million dollars shall be distributed as follows:

(1) Twelve million dollars to counties for reducing the county share of medicaid from sixteen per cent to approximately ten per cent; and

(2) Fifty-eight million dollars to school districts based on a proportion equal to the number of students between the ages of five and twenty-one who are residents of a district compared to the total number of students between the ages of five and twenty-one within all school districts of the state. In determining the number of students within the district the information supplied under sections 79-1331 and 79-1333.02 shall be utilized. The county superintendent shall assist school districts in identifying students who are residents of such district and who attend private schools, whether or not such private schools are within the district.

Sec. 2. Any school district receiving money from the federal government pursuant to Public Law 81-874 shall have the total amount it would receive under section 1 of this act, section 79-1334, and section 79-1336 reduced by the amount it received from the federal government pursuant to such law during the previous year.

Sec. 3. That section 79-1334, Revised Statutes Supplement, 1980, be amended to read as follows:

79-1334. ~~Each~~ Except as provided in section 2 of this act, each district and the county nonresident tuition fund in eligible counties shall receive financial support from the School Foundation and Equalization Fund based upon the district's pupils inresident enrollment and number of the district's students contracted to other districts or agencies as provided in the fall school district membership report filed pursuant to section 79-1333.02 in each grade at the following rates until that amount which has been appropriated as foundation aid has been totally utilized:

(1) The rate per kindergarten pupil shall be five-tenths times the rate established for a pupil in grades one through six;

(2) The rate per pupil in grades seven and eight shall be one and two-tenths times the rate established for a pupil in grades one through six;

(3) The rate per pupil in grades nine through twelve shall be one and four-tenths times the rate established for a pupil in grades one through six;

(4) The rate per pupil in grades one through six shall be determined by multiplying the enrollment of each of the respective grade categories by the above determined rates and dividing the result into the amount which has been appropriated as foundation aid; and

(5) The office of county superintendent shall receive the foundation aid for those high school pupils for which non resident tuition is paid by that county. Such funds shall be deposited in the nonresident tuition fund and used for tuition purposes. The county superintendent shall take into account all such funds received when making the computations required by section 79-4,103.

Sec. 4. That section 79-1336, Revised Statutes Supplement, 1980, be amended to read as follows:

79-1336. (1) Subject to the conditions imposed by sections 79-1330 to 79-1344, and subject to section 2 of this act, the balance of the School Foundation and Equalization Fund after the amount required for sections 79-1334 and 79-1340, has been deducted shall be used to insure each district financial support for each resident pupil enrolled and students contracted to other districts or agencies as reported in the fall school district membership report for the applicable year at the following rates until the balance of such fund has been utilized:

(a) The rate for grades one through six shall be the base rate;

(b) The rate per kindergarten pupil shall be five-tenths times the rate established in grades one through six;

(c) The rate per pupil in grades seven and eight shall be one and two-tenths times the rate established for a pupil in grades one through six; and

(d) The rate per pupil in grades nine through twelve shall be one and four-tenths times the rate established for a pupil in grades one through six.

(2) When the population density in any school district is less than four persons per square mile, as determined from the most recent complete census, the total financial support under subsection (1) of this section insured for each district shall be increased by the following percentages: (a) If the population density is three or more but less than four persons per square mile, ten per cent; (b) if the density is two or more but less than three persons per square mile, twenty per cent; (c) if the density is one or more but less than two persons per square mile, thirty per cent; and (d) if the density is less than one person per square mile, forty per cent.

Sec. 5. That original sections 79-1334 and 79-1336, Revised Statutes Supplement, 1980, are repealed.".

Mr. Fowler asked unanimous consent to print the following amendment to LB 459A in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office - Req. No. 2207.)

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 204, 204A.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 204

The following changes, required to be reported for publication in the Journal, have been made:

In committee amendments, underscoring has been supplied and stricken matter has been inserted to conform to the statutes.

(Signed) Emory P. Burnett,
E & R Attorney

VISITORS

Visitors to the Chamber were Capt. Edward J. Menard, University of Nebraska; and Clark Dierks, State Treasurer of Arizona.

ADJOURNMENT

At 4:40 p.m., on a motion by Mrs. Marsh, the Legislature adjourned until 9:00 a.m., Wednesday, March 25, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - MARCH 25, 1981

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 25, 1981

Pursuant to adjournment, the Legislature met at 9:07 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Senator Beyer.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz and Mr. Wagner who were excused; and Messrs. Beutler, Fowler, Nichol, and Stoney who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Ninth Day was approved.

ANNOUNCEMENT

Speaker Marvel announced March 22 was Senator H. Peterson's birthday.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 252. Placed on General File as amended.
Standing Committee amendments to LB 252:
Req. No. 2215

1. Insert the following new section:

"Sec. 2. That section 46-206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-206. The water appropriated from a river or stream shall not be turned or permitted to run into the waters or channel of any other river or stream than that from which it is taken or appropriated, unless such stream exceeds in width one hundred feet, in which event not more than seventy-five per cent of the regular flow shall be taken and any such taking shall be subject to the provisions of section 6 of this act.".

2. On page 4, line 24, strike "4 and 5" and insert "5 and 6".

3. On page 5, line 4, strike "mean any" and insert "include, but not be limited to, reasonable and efficient"; in line 6, after the second comma insert "subirrigation,"; in line 7, strike "pollution control" and insert "water quality maintenance"; and in line 8, after "purposes" insert ". Nothing in this subdivision shall be construed to affect the preferences for use of surface water as provided in section 46-204".

4. On page 6, line 17, strike "and"; in line 19, strike the underscored period and insert "; and"; after line 19, insert:

(7) Alternative sources of water available to the basin of origin for future beneficial uses."; in line 23, after the period insert "The director's order granting or denying an application shall specify the reasons for such action, including a discussion of the required factors for consideration, and shall document such decision by reference to the hearing record, if any, and to any other sources used by the director in making the decision."; and in line 24 after "46-204," insert "46-206,".

5. Renumber original sections 2 to 6 as 3 to 7 respectively.

6. In the title, line 2 after "46-204," insert "46-206,"; and in line 4 strike "ground" and insert "surface".

(Signed) Maurice Kremer, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 39. Placed on Select File as amended.
E & R amendment to LB 39:

In the committee amendment, lines 5 and 6, strike the first comma and insert an underscored semicolon.

LEGISLATIVE BILL 39A. Placed on Select File.

LEGISLATIVE BILL 167. Placed on Select File as amended.
E & R amendments to LB 167:

1. In line 2 of the Warner amendment to page 24, line 26, insert an underscored comma after "payable".
2. On page 25, line 3, strike the comma and show stricken.
3. In the title, insert "31-711.05," at the end of line 2; in line 4, strike "77-1348,"; in line 7 insert "14-517, 14-535, 14-536, 14-537, 14-549, 15-271, 15-734, 15-821, 16-606, 16-622, 16-652, 16-664, 16-666, 16-669, 16-672.07, 16-672.09, 16-6,105, 17-515, 17-920, 17-923, 17-974, 18-406, 19-2404, 19-2418, 19-3316, 31-753, 39-1615," after "sections"; and at the end of line 12 insert "to change maximum rates for certain bonds; to change a provision for interest on overpayments;".

LEGISLATIVE BILL 197. Placed on Select File as amended.
E & R amendment to LB 197:

1. On page 5, line 12, insert an underscored comma after "allowed".

LEGISLATIVE BILL 197A. Placed on Select File.

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 72.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 72

The following change, required to be reported for publication in the Journal, has been made.

In the title, line 4, "37-505," has been inserted after the fourth comma; and in line 13 "to change prohibited practices;" has been inserted after the semicolon.

(Signed) Emory P. Burnett
E & R Attorney

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 73, 104, 50, 171, 194, 425, 475, and 500.

RESOLUTION

LEGISLATIVE RESOLUTION 46. Read. Considered.

LR 46 was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 355. Miss Kilgarin renewed her pending amendment found in the Journal on page 734.

Miss Kilgarin moved for a Call of the House. The motion lost with 15 ayes, 21 nays, and 13 not voting.

Miss Kilgarin requested a roll call vote on her amendment.

Voting in the affirmative, 14:

Beutler Burrows Chambers Dworak Fenger
Fitzgerald Higgins Hoagland Kilgarin Maresh
Newell Pirsch Vickers Wiitala

Voting in the negative, 29:

Barrett Beyer Carsten Chronister Clark
Cope Cullan DeCamp Fowler Goll
Haberman Hefner Johnson, L. Johnson, V. Kahle
Kremer Lamb Landis Marsh Peterson, H.
Peterson, R. Remmers Rumery Schmit Sieck
Stoney Von Minden Warner Wesely

Present and not voting, 3:

Goodrich Koch Marvel

Excused and not voting, 3:

Labedz Nichol Wagner

The Kilgarin amendment lost with 14 ayes, 29 nays, 3 present and not voting, and 3 excused and not voting.

MR. NICHOL PRESIDING

Mr. Burrows renewed his pending amendment found in the Journal on page 735.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Dworak requested a record vote.

Voting in the affirmative, 5:

Burrows	Cullan	Fitzgerald	Hoagland	Maresh

Voting in the negative, 28:

Barrett	Beutler	Beyer	Carsten	Clark
Cope	DeCamp	Dworak	Goll	Haberman
Hefner	Higgins	Johnson, L.	Johnson, V.	Kahle
Koch	Landis	Marsh	Newell	Peterson, H.
Peterson, R.	Pirsch	Rumery	Sieck	Stoney
Vickers	Von Minden	Warner		

Present and not voting, 14:

Chambers	Chronister	Fenger	Fowler	Goodrich
Kilgarin	Kremer	Lamb	Marvel	Nichol
Remmers	Schmit	Wesely	Wiitala	

Excused and not voting, 2:

Labedz	Wagner

The Burrows pending amendment lost with 5 ayes, 28 nays, 14 present and not voting, and 2 excused and not voting.

SPEAKER MARVEL PRESIDING

Miss Kilgarin offered the following amendment:
Amend LB 355 on page 2, line 21, strike "higher" and insert "lesser".

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

The Kilgarin amendment lost with 9 ayes, 21 nays, 17 present and not voting, and 2 excused and not voting.

Miss Kilgarin offered the following amendment:
Amend LB 355 on page 2, line 26, strike "plus" and insert an underscored period; and strike line 27.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Kilgarin amendment lost with 7 ayes, 26 nays, 14 present and not voting, and 2 excused and not voting.

Miss Kilgarin and Mr. Burrows moved to indefinitely postpone LB 355.

Mr. Clark moved to suspend the rules, Rule 7, Section 3, in order to consider the motion to indefinitely postpone today.

Mr. Clark asked unanimous consent to withdraw his motion to suspend the rules. No objections. So ordered.

Laid over.

LEGISLATIVE BILL 174. Mr. Hoagland asked unanimous consent to withdraw his pending motion to indefinitely postpone. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 190. Mr. Schmit renewed his pending motion to indefinitely postpone.

Mr. Schmit moved for a Call of the House. The motion prevailed with 21 ayes, 5 nays, and 23 not voting.

Mr. Schmit requested a roll call vote.

Voting in the affirmative, 15:

Barrett	Beutler	Beyer	Burrows	Dworak
Fenger	Johnson, L.	Koch	Lamb	Peterson, H.
Pirsch	Remmers	Schmit	Sieck	Wesely

Voting in the negative, 28:

Carsten	Clark	Cope	Cullan	DeCamp
Fitzgerald	Fowler	Goodrich	Haberman	Hefner
Higgins	Hoagland	Johnson, V.	Kahle	Kilgarin

Kremer	Landis	Maresh	Marsh	Marvel
Newell	Nichol	Rumery	Stoney	Vickers
Von Minden	Warner	Wiitala		

Present and not voting, 4:

Chambers	Chronister	Goll	Peterson, R.

Excused and not voting, 2:

Labedz	Wagner

The Schmit motion to indefinitely postpone lost with 15 ayes, 28 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Koch asked unanimous consent to withdraw his pending amendments found in the Journal on pages 625, 893, and 1000. No objections. So ordered.

Mr. Koch offered the following amendment:
1. Strike the amendments to section 18-623.
2. On page 4, line 14, strike "and also"; strike all of line 15;
line 16, strike "Revised Statutes of Nebraska, 1943,".

The amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Mr. DeCamp offered the following amendment:
1. In the Committee amendments, on page 617 of the Journal,
line 16, after "45-101.03" insert ", as such rate may from
time to time be adjusted by the Legislature".

The amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment with 35 ayes, 1 nay, 11 present and not voting, and 2 excused and not voting.

MR. CLARK PRESIDING

RESOLUTION

LEGISLATIVE RESOLUTION 47.

Introduced by Vickers, 38th District; Schmit, 23rd District; Rumery, 42nd District; Clark, 47th District; Warner, 25th District; Marvel, 33rd District.

WHEREAS, Horace C. Crandall was a member of the Nebraska Legislature from Curtis, Nebraska during 1965 and 1966; and

WHEREAS, Horace Crandall died March 24, 1981 at the age of eighty-four; and

WHEREAS, Horace Crandall was a former teacher and superintendent at the University of Nebraska of Agriculture at Curtis and was active in his community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the members of the Legislature extend their sympathy to the family of Horace C. Crandall and acknowledge his years of public service.

Laid over.

ANNOUNCEMENT

Mr. Carsten announced the Revenue Committee will meet in executive session immediately upon adjournment today in room 1520.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 25, 1981, at 9:45 a.m., were the following bills: 73, 104, 50, 171, 194, 425, 475, and 500.

(Signed) Hazel Kaltenberger, Enrolling Clerk

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of Legislative Bills 551 through 555.

LB	**Committee**
551	Miscellaneous Subjects
552	Miscellaneous Subjects
553	Miscellaneous Subjects
554	Miscellaneous Subjects
555	Miscellaneous Subjects

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

GENERAL FILE

LEGISLATIVE BILL 298. Title read. Considered.

Standing Committee amendments found in the Journal on page 642 for the Thirtieth Day were adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson offered the following amendment:
(1). Page 2, line 14, strike "Such districts" and include
"At least one such district in the municipality";
(2) Strike the emergency clause.

The amendment lost with 19 ayes, 11 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Landis asked unanimous consent to withdraw his pending amendment found in the Journal on page 807. No objections. So ordered.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. V. Johnson requested a roll call vote.

Voting in the affirmative, 22:

Beutler
Beyer
Burrows
Chambers
Chronister
DeCamp
Fenger
Fowler
Goodrich
Haberman
Hoagland
Johnson, V.
Kilgarin
Landis
Maresh
Marsh
Newell
Remmers
Schmit
Sieck
Vickers
Wesely

Voting in the negative, 21:

Barrett
Carsten
Cope
Cullan
Dworak
Fitzgerald
Goll
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Lamb
Peterson, H.
Peterson, R.
Pirsch
Rumery
Stoney
Von Minden
Warner

Present and not voting, 2:

Clark
Marvel

Excused and not voting, 3:

Labedz Nichol Wagner

Absent and not voting, 1:

Wiitala

Failed to advance to E & R for Review with 22 ayes, 21 nays, 2 present and not voting, 3 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

VISITORS

Visitors to the Chamber were 8 students and advisor from Central Tech. Community College, Hastings; 23 students and teacher from Plattsmouth; 15 students and instructor from Wesleyan University; and Miss Cindy Pace from Millard, and friend from Ralston.

RECESS

At 12:05 p.m., on a motion by Mr. Carsten, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:38 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz and Mr. Wagner who were excused; and Messrs. Beutler, Chronister, Fowler, Nichol, R. Peterson, Schmit, Sieck, and Warner, Mesdames Marsh, Pirsch, and Miss Kilgarin who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 290 in the Journal. No objections. So ordered.

1. On page 2, strike beginning with "Each" in line 18 through line 22.

2. Strike the Committee Amendment found on pages 721 and 722 of the Journal.

3. On page 2, line 25, strike "six" and insert "~~six~~ seven".

GENERAL FILE

LEGISLATIVE BILL 531. Title read. Considered.

Standing Committee amendments found in the Journal on page 645 for the Thirtieth Day were adopted with 25 ayes, 1 nay, 10 present and not voting, and 13 excused and not voting.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved to indefinitely postpone LB 531.

Mr. Wesely asked unanimous consent to withdraw his motion to indefinitely postpone LB 531. No objections. So ordered.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1048.

The amendment was adopted with 25 ayes, 4 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 7 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 291. Title read. Considered.

Standing Committee amendment found in the Journal on page 676 for the Thirty-Second Day was adopted with 28 ayes, 1 nay, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORT
Judiciary

The Committee on the Judiciary desires to report favorably upon the reappointment listed below. The Committee on the Judiciary suggests the appointment be confirmed by the Legislature and suggests a record vote.

Verne Moore, Jr. - Crime Victim's Reparation Board

Vote For: Chronister, Kilgarin, Nichol, Pirsch, Sieck, Von Minden. Against: None. Not Voting: None. Absent: Beyer, Chambers.

(Signed) William E. Nichol, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 253A. By DeCamp, 40th District.
This bill introduced on behalf of: LB 253.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 253, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 311. Title read. Considered.

Mr. Koch renewed his pending amendment, Req. No. 2189, found in the Journal on page 997.

Mr. Beutler requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment germane to the bill.

Mr. Koch asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review with 37 ayes, 2 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 111. Title read. Considered.

Standing Committee amendments found in the Journal on page 695 for the Thirty-Third Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

MR. CLARK PRESIDING

Mr. Lamb offered the following amendment:
Line 13 page 3 after "Court" add - Except each county judge in a county judge district of less than 100,000 population, the salary paid shall be equal to 75% of the salary received by the Chief Justice and Judges of the Supreme Court.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 22 not voting.

Mr. Landis requested a record vote on the Lamb amendment.

Voting in the affirmative, 10:

Chambers
Clark
Fenger
Fitzgerald
Haberman
Hefner
Johnson, V.
Lamb
Pirsch
Remmers

Voting in the negative, 22:

Barrett
Beyer
Chronister
Cope
Cullan
Dworak
Hoagland
Kahle
Kilgarin
Landis
Maresh
Marsh
Nichol
Peterson, H.
Rumery
Schmit
Sieck
Stoney
Vickers
Warner
Wesely
Wiitala

Present and not voting, 15:

Beutler
Burrows
Carsten
DeCamp
Fowler
Goll
Goodrich
Higgins
Johnson, L.
Koch
Kremer
Marvel
Newell
Peterson, R.
Von Minden

Excused and not voting, 2:

Labedz
Wagner

The Lamb amendment lost with 10 ayes, 22 nays, 15 present and not voting, and 2 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Review with 26 ayes, 13 nays, 8 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hefner asked unanimous consent to have his name added to LB 394. No objections. So ordered.

APPRECIATION

Received notice of appreciation from Mr. Nichol for expressions of condolence in memory of his mother.

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LB 387 in the Journal. No objections. So ordered.

1. In the committee amdndments, on page 2, in lines 6 and 9, strike "fifty-five" and insert "sixty"; in line 10 strike "salary" and insert "regular pay"; and in line 12 strike "twenty-one" and insert "twenty-five".

Mr. Koch asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

Req. No. 2230

1. In the DeCamp amendment on page 1116 of the Journal strike sections 2 to 5 and insert the following new sections:

"Sec. 2. That section 79-1338, Revised Statutes Supplement, 1980, be amended to read as follows:

79-1338. From the sum calculated pursuant to section 79-1336, each district shall subtract operating funds obtained from (1) the State of Nebraska under section 79-1334, (2) the qualifying levy prescribed in section 79-1335; Provided, operating funds received from that portion of the local tax levy which exceeds the minimum prescribed in section 79-1335 shall be excluded from this computation, (3) tuition receipts as defined in this section, (4) fines, (5) license fees, (6) transportation reimbursements, (7) the Insurance Tax Fund, (8) the federal government pursuant to Public Law 81-874, and ~~(8)~~ (9) funds received under the provisions of Chapter 79, article 13.

For purposes of making the computations required in subdivision (3) of this section, the school district shall exclude all special education tuition receipts. Tuition receipts shall include only those receipts which exceed one hundred twenty-five per cent of the elementary or secondary per pupil costs, whichever is applicable, as reported in the annual financial report for the appropriate year based on the enrollment of nonresident students as reported in the fall school district membership report for the appropriate year. Such tuition receipts shall be computed separately for elementary and secondary pupils.

Sec. 3. That original section 79-1338, Revised Statutes Supplement, 1980, is repealed.”.

Mr. Schmit asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

(Amendments to White Copy Req. 2118)

Req. No. 2227

1. On page 1, line 15, strike “6” and insert “5”; and strike beginning with “For” in line 17 through “in” in line 25 and insert the following:

“(1) For fiscal year 1980-81 the Legislature shall appropriate and distribute seventy-two million five hundred thousand dollars from the Local Revenue Sharing and Property Tax Relief Fund, created by section 9 of this act. Of such funds appropriated, forty million five hundred thousand dollars shall be distributed based on the actual value of agricultural real estate within the state, thirty-one million dollars shall be distributed based on the actual value of commercial-industrial real estate in the state, and one million dollars shall be distributed based on the actual value of suburban-residential real estate within the state.

(2) For fiscal year 1981-82 the Legislature shall appropriate and distribute seventy million dollars from the Local Revenue Sharing and Property Tax Relief Fund, created by section 9 of this act. Of such funds appropriated, thirty-nine million dollars shall be distributed based on the actual value of agricultural real estate within the state, thirty million dollars shall be distributed based on the actual value of commercial-industrial real estate in the state, and one million dollars shall be distributed based on the actual value of suburban-residential real estate within the state.”.

2. On page 2, strike beginning with “the” in line 1 through the period in line 4; in line 4 before “For” insert “(3)” and start a new paragraph, and strike “(1)” and insert “(a) actual value of”; in line 12 strike “(2)” and insert “(b) actual value of”, and strike “assessed” and insert “real estate”; in line 13 strike the first “value”; in line 21 strike “(3)” and insert “(c) actual value of”; and in lines 5 and 22 strike “assessed value” and insert “real estate”.

3. On page 3, line 6, before the period insert "as equalized by the State Board of Equalization and Assessment"; in line 8 strike "seventy million dollars appropriated" and insert "funds distributed"; in line 10 after "total" insert "actual value of"; in line 11 strike "residential" and insert "suburban-residential" and strike "assessed value of"; in line 12 after "total" insert "actual value of"; and in line 13 strike "residential" and insert "suburban-residential" and strike "assessed value of".

4. On page 4, strike beginning with "revenue" in line 11 through "year" in line 15 and insert "amount of property tax levied within the county by the political subdivision during the prior calendar year by the total amount of property tax levied within the county by all political subdivisions during the prior calendar year".

5. Strike original section 6.

6. On page 7, line 15, strike "8 to 12" and insert "7 to 11".

7. On page 8, line 10, strike "10" and insert "9".

8. On page 9, line 9 after "municipalities" insert "pursuant to section 10 of this act"; and in line 13, strike "1981" and insert "1982".

9. On page 11, line 15, strike "10" and insert "9"; and in lines 18 and 24 strike "8 to 12" and insert "7 to 11".

10. On page 13, line 11, strike "8 to 12" and insert "7 to 11", and in line 24 strike "12, 19, 20, and 22" and insert "15, 17 to 19, 21, and 23".

11. On page 14, line 1, strike "Tht" and insert "That"; strike beginning with "sections" in line 1 through "and" in line 3 and insert "section"; in line 7 after the final comma insert "and 77-3601 to 77-3604,"; in line 9 after "That" insert "original section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, section 68-1022, Revised Statutes Supplement, 1980, and"; and in line 11 strike "6" and insert "5".

12. Renumber original sections 7 to 24 as sections 6 to 23, respectively.

GENERAL FILE

LEGISLATIVE BILL 384. Title read. Considered.

Standing Committee amendment found in the Journal on page 739 for the Thirty-Sixth Day was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Wesely moved to return LB 384 to the Agriculture and Environment Committee.

Messrs. Barrett and Nichol asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Wesely moved for a Call of the House. The motion prevailed with 16 ayes, 12 nays, and 21 not voting.

Mr. Wesely requested a roll call vote on his motion.

Voting in the affirmative, 17:

Beutler	Carsten	Chambers	Cope	Dworak
Hoagland	Johnson, V.	Kilgarin	Lamb	Landis
Marsh	Newell	Pirsch	Stoney	Vickers
Warner	Wesely			

Voting in the negative, 27:

Beyer	Burrows	Chronister	Clark	Cullan
DeCamp	Fenger	Fowler	Goll	Goodrich
Haberman	Hefner	Higgins	Johnson, L.	Kahle
Kremer	Maresh	Marvel	Peterson, H.	Peterson, R.
Remmers	Rumery	Schmit	Sieck	Von Minden
Wagner	Wiitala			

Present and not voting, 2:

Fitzgerald	Koch

Excused and not voting, 3:

Barrett	Labedz	Nichol

The Wesely motion to return to committee lost with 17 ayes, 27 nays, 2 present and not voting, and 3 excused and not voting.

Laid over.

MOTION - Print in Journal

Messrs. Cullan, Hoagland, Hefner, and Mrs. Pirsch moved to place LB 213 on General File pursuant to Rule 3, Section 18(c).

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Fowler, Newell, Wiitala, V. Johnson, Beutler, and DeCamp asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office - Req. No. 2216.)

Mr. DeCamp asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

(Amendments to Committee Amendments)

1. Insert the following new sections:

"Sec. 11. The Legislature recognizes that governing bodies in preparing their budget statements for fiscal year 1980-81 under the Nebraska Budget Act considered numerous factors. Each governing body has a duty to prepare a proposed budget statement which is accurate and workable and in the preparation of such statement must estimate revenue from all sources, other than revenue to be received from taxation. The estimate of revenue from the state may be based on actual prior receipts, information from county and state officials, and other factors. The Legislature finds that the adopted budget statements for 1980-81 were prepared without reliance on anticipated revenue from Laws 1980, LB 882, as such bill was subject to constitutional challenge.

Sec. 12. No distribution shall be made under this act to any political subdivision which would result in such political subdivision receiving (1) more than one hundred fifty per cent or (2) less than eighty per cent of the amount such political subdivision included in its adopted budget statement as estimated revenue from the state. For purposes of this section the figures included in the political subdivision's adopted budget statement and filed with the auditor as provided in section 23-927 shall be used. For purposes of this section adopted budget statement, governing body, and auditor shall have the same meaning as provided in section 23-922.".

2. Strike committee amendment 5.

VISITORS

Visitors to the Chamber were 42 students, sponsors, and teachers from St. Paul; 8 students, sponsors, and teachers from Oak Valley School; Willie Houseworth and Sheri Murray from Omaha; Paul McIntosh from Lincoln; and Kevin Sorenson from Hemingford.

ADJOURNMENT

At 4:45 p.m., on a motion by Mr. Maresh, the Legislature adjourned until 9:00 a.m., Thursday, March 26, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - MARCH 26, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 26, 1981

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Pastor James Hoke, Trinity Lutheran Church, Madison, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Chronister who was excused; and Mrs. Pirsch, Messrs. Fowler, V. Johnson, Newell, Schmit, and Stoney who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fiftieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 174 and 190.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 190

The following changes, required to be reported for publication in the Journal, have meen made:

Original section numbers have been restored; reference to section 18-623 has been removed from the repeal section and the title; and the repeal portion of the title has been changed to reflect Koch amendment 2, adopted 3/25/81.

(Signed) Emory P. Burnett
E & R Attorney

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 401. Placed on General File as amended.
Standing Committee amendments to LB 401:

1. On page 3, in lines 2 through 8 strike the new matter and reinstate the stricken matter.
2. On page 4, strike beginning with "owner" in line 5 through "villages" in line 8 and insert "resident of a proposed control area who otherwise qualifies as an elector pursuant to section 32-102".
3. Strike original section 2.
4. On page 3, line 25; page 4, line 13; page 8, line 23; page 12, lines 16 and 17 and 25; and page 15, lines 2 and 18 strike "5 to 13" and insert "4 to 12".
5. On page 9, lines 20 through 24 strike the new matter and reinstate the stricken matter.
6. On page 13, lines 22 and 23 strike "6 to 13" and insert "5 to 12".
7. On page 14, strike beginning with "owning" in line 1 through "district" in line 3 and insert "residing in the district, but not in an incorporated city or village"; and in line 12, after the period insert "Such boundaries shall not include area in incorporated cities and villages."
8. On page 16, line 14 strike "11 and 12" and insert "10 and 11".
9. On page 17, line 4, strike "as a special election or" and after "any" insert "regularly scheduled".
10. On page 18, lines 15 and 22, strike "5 to 12" and insert "4 to 11".
11. On page 19, line 13, strike "46-658,".
12. Renumber original sections 3 to 16 as sections 2 to 15, respectively.

(Signed) Maurice Kremer, Chairperson

REPORT

Received report from State Claims Board on behalf of the State Tort Claims Act pursuant to Section 81-8,226, R.S. Supp. 1976.

SELECT FILE

LEGISLATIVE BILL 355. Miss Kilgarin and Mr. Burrows asked unanimous consent to withdraw their pending motion to indefinitely postpone found in the Journal on page 1125. No objections. So ordered.

Mr. DeCamp offered the following amendment:
Take the contents of LB 426 as amended by the Banking Committee and insert them into LB 355 as new sections.

The amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Mr. Hoagland and Miss Kilgarin offered the following amendment:
Line 5, page 5, following the period, insert the new sentence:
Any such agreement shall be void unless it is entered into by the policy holder voluntarily and following full disclosure of its effects, pursuant to the rules of the Department of Insurance.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Hoagland-Kilgarin amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Miss Kilgarin offered the following amendment:

(AMENDMENTS TO WHITE COPY REQUEST 2236)

1. On page 46, line 10, before the period insert ", except that the Director of Insurance may advance the operative date of this section for such a company after investigating and finding that (a) it is in the best interests of the policyholders of such company to do so, and (b) a majority of states in which such company is doing business have adopted legislation similar to sections 1 to 13 of this act".

The amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment with 31 ayes, 1 nay, 15 present and not voting, and 2 excused and not voting.

MOTION - Print in Journal

Mr. Beutler moved to reconsider the body's action on final reading of LB 5.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 46.

MR. NICHOL PRESIDING

SELECT FILE

LEGISLATIVE BILL 290. Mr. Koch renewed his pending motion to indefinitely postpone found in the Journal on page 1043.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

The Koch motion to indefinitely postpone lost with 12 ayes, 30 nays, 5 present and not voting, and 2 excused and not voting.

Mr. Clark offered the following amendment:
On page 2, Line 20, strike "plates with reflectorized letters and numerals and for plates with reflectorized background" and insert "material systems that reflectorize letters and numerals and material systems that reflectorize the entire surface."

SPEAKER MARVEL PRESIDING

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Clark amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Koch asked unanimous consent to withdraw his pending amendment found in the Journal on page 1048. No objections. So ordered.

Mr. Warner offered the following amendment:
On page 3, line 8, strike "1982" and insert "~~1982~~ 1983";

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Warner moved for a Call of the House.

The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Warner requested a roll call vote.

Voting in the affirmative, 28:

Burrows
Chambers
Cope
Cullan
DeCamp
Dworak
Fitzgerald
Fowler
Haberman
Higgins
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Maresh
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Rumery
Schmit
Stoney
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 18:

Barrett
Beyer
Carsten
Clark
Fenger
Goll
Hefner
Hoagland
Johnson, L.
Kahle
Kremer
Lamb
Marvel
Peterson, H.
Remmers
Sieck
Vickers
Wagner

Present and not voting, 2:

Beutler
Goodrich

Excused and not voting, 1:

Chronister

The Warner amendment was adopted with 28 ayes, 18 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

MR. NICHOL PRESIDING

Mr. Haberman offered the following amendment:
(Amendments printed separate from the Journal and on file in the Clerk's Office - Req. No. 2228.)

SPEAKER MARVEL PRESIDING

Mr. Wagner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Haberman moved for a Call of the House. The motion prevailed with 13 ayes, 9 nays, and 27 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Beutler
Beyer
Carsten
Chambers
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Haberman
Higgins
Johnson, L.
Johnson, V.
Kilgarin
Koch
Landis
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Stoney
Von Minden
Wiitala

Voting in the negative, 21:

Barrett
Burrows
Clark
Cope
Fowler
Hefner
Hoagland
Kahle
Kremer
Labedz
Lamb
Maresh
Marsh
Marvel
Rumery
Schmit
Sieck
Vickers
Wagner
Warner
Wesely

Excused and not voting, 1:

Chronister

Absent and not voting, 1:

Goodrich

The Haberman amendment was adopted with 26 ayes, 21 nays, 1 excused and not voting, and 1 absent and not voting.

Mr. Maresh moved that LB 290 be returned to Public Works Committee for another hearing.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Maresh motion lost with 18 ayes, 23 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Engrossment with 29 ayes, 8 nays, 11 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 245 in the Journal. No objections. So ordered.

1. Insert the following new section:

"Section 1. (1) The Legislature recognizes the need for a Regional College of Veterinary Medicine in the State of Nebraska and the importance of providing expanded veterinary medical education and services to the citizens of this state. The Legislature by passing sections 85-180.01 to 85-180.06 in 1979 and introducing this act has shown its commitment to building such college. The Legislature recognizes the great cost of constructing a Regional College of Veterinary Medicine and has found that if federal funds are not provided the construction will not be possible. The most expedient way of constructing such college would be the timely commitment of federal funds. The Legislature finds that this act will only become operative if the Nebraska Congressional delegation accepts the responsibility of insuring that Nebraska receives the federal funds it needs for construction of such college.

(2) No state appropriations shall be obligated nor shall any bonds be authorized under this act for the construction of a Regional College of Veterinary Medicine unless by March 1, 1982, the Board of Regents has certified to the Legislature and the Governor that an estimated thirteen million, three hundred eighty-one thousand, seven hundred ninety-four dollars of federal funds have been appropriated to aid in constructing such college.

(3) If by March 1, 1982, the Board of Regents has not made the certification specified in subsection (2) of this section the state funds appropriated pursuant to this act shall be utilized for construction of a livestock center to replace the old horse and beef barns on the east campus and an animal science classroom-office building. Such facilities shall be constructed for the purpose of upgrading the animal science facilities of the university and shall be a part of the animal science complex.".

2. Renumber remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 351. E & R amendment found in the Journal on page 1006 for the Forty-Seventh Day was adopted.

Mr. Wesely asked unanimous consent to withdraw his pending amendment found in the Journal on page 984. No objections. So ordered.

Advanced to E & R for Engrossment with 26 ayes, 3 nays, 19 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 17. E & R amendment found in the Journal on page 1050 for the Forty-Eighth Day was adopted.

Mrs. Pirsch offered the following amendment:
Amend page 5, Line 23 strike "special".

The amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Stoney requested a machine vote.

Advanced to E & R for Engrossment with 29 ayes, 4 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 446. E & R amendments found in the Journal on page 1050 for the Forty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 384. Title read. Considered.

Mr. Schmit offered the following amendment:

(1)

1. On page 30, line 20, after the underscored period, insert "If the corporation is dissolved after all indebtedness and other obligations of the corporation are discharged, its remaining assets shall inure to the benefit of the State of Nebraska.".

The amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Schmit offered the following amendment:

(2)

1. On page 3, line 27, strike “Such activities shall not”.

2. On page 4, line 1, strike “be conducted for profit.”; and strike beginning with “and” in line 10 through “serve” in line 12 and insert “who are unable to obtain sufficient credit to finance actual agricultural needs at reasonable rates and terms taking into consideration prevailing rates and terms for similar loans made through conventional farm credit markets in or near the farmer’s community”.

3. On page 7, line 17, after “insurer” insert “or loan guarantor”.

4. On page 18, line 27 after “require” insert an underscored colon and strike “the lender to certify and agree”.

5. On page 19, strike line 1; in line 2 strike “The” and insert “That the lender certify and agree that the”; in line 3 strike “and”; in line 4 strike “Such lender” and insert “That the lender certify and agree that it”; in line 12 strike the period and insert “; and”; and after line 12 insert:

“(3) That the lender certify that the borrower is an individual who is actively engaged in or who will become actively engaged in an agricultural enterprise after he or she receives the loan, or that the borrower is a firm, partnership, corporation, or other entity, with all owners, partners, or stockholders thereof being natural persons who are actively engaged in or who will be actively engaged in an agricultural enterprise after the loan is received;

(4) That the aggregate amount of the loan received by a borrower shall not exceed five hundred thousand dollars. In computing such amount a loan received by an individual shall be aggregated with those loans received by his or her spouse and children and a loan received by a firm, partnership, or corporation shall be aggregated with those loans received by each owner, partner, or stockholder thereof; and

(5) That prior to applying for a loan pursuant to sections 1 to 54 of this act, the borrower must apply to a lender in or near his or her local community for a loan in an amount comparable to that applied for under this act and must obtain a written declination of credit from such lender.”.

6. On page 21, line 15, strike “or”; after line 15 insert:

"(10) Qualifications, in addition to those set out in section 31 of this act, which will insure that only those borrowers who are unable to obtain credit from the conventional farm credit markets will receive loans under this act; and"; and in line 16 strike "(10)" and insert "(11)".

The amendment was adopted with 25 ayes, 0 nays, 23 present and not voting and 1 excused and not voting.

Mr. Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Sieck offered the following amendment:

1. On page 19, line 3, strike "and"; after line 3 insert:

"(2) No loan will be made to any person with a net worth of more than one hundred thousand dollars; and"; and in line 4 strike "(2)" and insert "(3)".

Mr. Burrows offered the following amendment to the Sieck amendment:

Amend the Sieck amendment by striking $100,000 and inserting $600,000.

Amendments pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 138 in the Journal. No objections. So ordered.

Corrected amendment
Page 3, after line 6, add new section:
"Each judge of the district court and each judge of a separate juvenile court shall be paid a salary of $44,382 per annum. Each county judge shall be paid a salary of $35,955 per annum, except that each county judge in a county judge district having a population of 100,000 or more according to the latest federal census shall be paid a salary of $41,517 per annum. Each judge of the municipal court in a city of the metropolitan or primary class shall be paid a salary of $40,112 per annum. Each judge of the Nebraska Workmen's Compensation Court shall be paid a salary of $41,517 per annum. The Chief Justice and Judges and Judges of the Supreme Court shall be paid a salary of $48,314 per annum."
Renumber sections accordingly.

VISITORS

Visitors to the Chamber were Bob and LeAnn Russell, daughter and son-in-law of Senator Von Minden and their four daughters, Michelle, Heidi, Wendy, and Tracy, granddaughters of Senator and Mrs. Von Minden; 150 students and instructor from Burke High School, Omaha; 22 students and instructor from St. Columbkille, Papillion; 50 students and teachers from Norwood Park, Lincoln; 55 foreign exchange students and representative from various Nebraska high schools; 7 students and teacher from Norfolk high school; 24 students and teacher from Friend high school; 14 students and instructors from Kearney State College; and Miss Camy Peterson from Kearney State College.

RECESS

At 12:04 p.m., on a motion by Mr. Newell, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:38 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Chronister who was excused; and Miss Kilgarin, Mesdames Labedz and Pirsch, Messrs. Chambers, Clark, Kremer, Newell, and Nichol who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 384. Considered.

The Burrows amendment to the Sieck amendment found in this day's Journal was considered.

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Burrows moved for a Call of the House. The motion prevailed with 5 ayes, 1 nay, and 43 not voting.

Mr. Burrows requested a roll call vote.

Voting in the affirmative, 16:

Burrows Cope Fitzgerald Fowler Goll
Haberman Higgins Johnson, V. Koch Lamb
Maresh Rumery Schmit Wagner Warner
Wiitala

Voting in the negative, 21:

Barrett Beutler Beyer Carsten Clark
Cullan Hefner Hoagland Johnson, L. Kahle
Landis Marsh Marvel Peterson, H. Peterson, R.
Remmers Sieck Stoney Vickers Von Minden
Wesely

Present and not voting, 4:

DeCamp Dworak Goodrich Kilgarin

Excused and not voting, 7:

Chambers Chronister Kremer Labedz Newell
Nichol Pirsch

Absent and not voting, 1:

Fenger

The Burrows amendment to the Sieck amendment lost with 16 ayes, 21 nays, 4 present and not voting, 7 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. Schmit offered the following amendment to the Sieck amendment:
1. On page 19, line 3, Strike "and"; after line 3 insert
"(2) No loan will be made to any person with a net worth of more than three hundred thousand dollars"; in line 4 strike "(2)" and insert "(3)".

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Schmit amendment to the Sieck amendment was adopted with 21 ayes, 8 nays, 14 present and not voting, and 6 excused and not voting.

The Sieck amendment, as amended, was adopted with 26 ayes, 10 nays, 7 present and not voting, and 6 excused and not voting.

Mr. Beutler offered the following amendment:
Amend LB 384 by deleting the words "but not limited to" in line 18, page 4, and, deleting the words "and personal property" in line 19, page 4.

Mrs. Marsh asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Vickers offered the following amendment to the Beutler amendment:
Amend the Beutler amendment by reinserting personal property on Line 19 page 4 inserting and after farms and putting a period after ranches. on Line 19 page 4 Then striking the rest of Sec. 5.

Mr. Beyer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Vickers amendment to the Beutler amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

The Beutler amendment, as amended, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Beutler offered the following amendment:
in Sec 16, (2) (b) (i) change "two" to "one"
in Sec 16 (2) (b) (ii) change "two" to "one"
in Sec 16 (2) (b) (iii) change "two" to "four"

The amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Vickers offered the following amendment:
Amend LB 384 by striking the word morals on Line 6 Pg 4

The amendment was adopted with 26 ayes, 2 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 15 nays, 6 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 61. Indefinitely postponed.
LEGISLATIVE BILL 88. Indefinitely postponed.

LEGISLATIVE BILL 256. Indefinitely postponed.
LEGISLATIVE BILL 438. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

Req. No. 2241
The proposal here is for termination in 1982 but an amendment will be offered to go to 1983 - one more year.

(Amendments printed separately from the Journal and on file in the Clerk's Office - Req. No. 2241.)

Mr. DeCamp asked unanimous consent to print the following explanation to LB 284 in the Journal. No objections. So ordered.

EXPLANATION OF SCHMIT AMENDMENT TO L.B. 284
(Req. 2241)

These amendments combine those found in the Journal on page 1026 (Req 2118) and on page 1134 (Req 2227) and correct the dollar amounts to be consistent with the amendment. The amendments to LB 284 address two separate problems. The first problem is to provide a means of distributing the $70,000,000 and $2,500,000 interest for fiscal year 1980-81 and distributing $70,000,000 for fiscal year 1981-82; and the second problem is to consolidate selected tax programs for the purpose of distributing state General Funds on a basis of revenue sharing to reduce the burden of property taxes.

DISTRIBUTION OF $70,000,000 PLUS INTEREST

Sections 1 to 6 of this amendment distribute $72,500,000 for fiscal year 1980-81 and $70,000,000 for fiscal year 1981-82 in the following manner:

(1) For fiscal year 1980-81, $39,353,600, and for fiscal year 1981-82, $37,977,600, is distributed on the actual value of agricultural real estate within the state as determined from the County Abstract of Assessment;

(2) For fiscal year 1980-81, $32,146,400, and for fiscal year 1981-82, $31,022,400, is distributed on the actual value of commercial-industrial real estate within the state as determined from the County Abstract of Assessment; and

(3) For fiscal years 1980-81 and 1981-82, $1,000,000 is distributed on the actual value of suburban-residential real estate within the state as determined from the County Abstract of Assessment.

The actual value of agricultural, commercial-industrial, and suburban-residential real estate is computed from the most recent County Abstract of Assessment Form by combining specific real estate categories for each of the distribution factors. Section 2 of the amendment details the computation for each distribution factors. A copy of the 1980 County Abstract of Assessment is attached (page 4) to provide additional information for the computation of the distribution factors.

The distribution of the $72,500,000 for 1980-81 and the $70,000,000 for 1981-82 into each of the three categories is based upon a three year average of the actual tax loss reported to the Department of Revenue for 1975, 1976, and 1977. The tax loss table (page 3) shows a relatively stable relationship between the exempted personal property that is related to agriculture and the exempted personal property that is related to business. Suburban-residential real estate is included in the distribution factors because there is business and agricultural inventories and properties located on suburban-residential property, therefore, $1,000,000 is included in the distribution.

The basis of this distribution proposal is related to the logical relationship between real property and the existence of personal property in the form of inventories, income-producing machinery, and other properties such as feed, seed, fertilizer, livestock and other animals. Business inventories exist where commercial and industrial real estate is located. Agricultural income-producing machinery, feed, seed, fertilizer, and animals are located on the farm, thus located on agricultural real estate. Business inventory is not located on the farm, nor is farm machinery located on business property. Thus, it is logical to distribute the $70,000,000 plus this year's interest on a basis of real property which is factored into three separate categories.

DISTRIBUTION OF LOCAL REVENUE SHARING AND PROPERTY TAX RELIEF FUND

Sections 7 to 16 provide for a new fund and a new basis of distributing state General Funds for the explicit purpose of providing property tax relief. The concept is revenue sharing, not tax loss replacement. The revenue sharing would become operational July 1, 1982. The general provisions of the revenue sharing proposal are specifically outlined in the amendment, however, the amounts of money to be distributed are shown in hundreds of dollars, rather than in millions.

The concept and specific areas to be included in this proposal are as follows:

(1) General areas for revenue sharing

(A) Schools	$155.00
(B) Counties	55.00
(C) Cities	90.00

(2) Additional changes to compliment the proposal
- (A) State would pay an additional portion of the Medicaid program
- (B) Governmental Subdivision Fund would be repealed
- (C) Local Option Sales Tax would be repealed
- (D) Homestead Exemption distribution would be changed

(3) The Legislature's Committee on Revenue and Taxation would study and examine the revenue sharing concept found in sections 7 to 16 and determine the manner and amount of money necessary to implement a revenue sharing concept which will provide property tax relief, operational July 1, 1982.

DISTRIBUTION OF THE $70,000,000
The tables beginning on page 5 show the impact of the different proposals if each were used to distribute the $70,000,000. The additional distribution of the interest which is estimated to be $2,500,000 would be in addition to the figures shown.

GENERAL FILE

LEGISLATIVE BILL 59. Title read. Considered.

Standing Committee amendments, Req. No. 2131, found in the Journal on page 762 for the Thirty-Seventh Day were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

MR.CLARK PRESIDING

LEGISLATIVE BILL 168. Title read. Considered.

Standing Committee amendments, Req. No. 2132, found in the Journal on page 762 for the Thirty-Seventh Day were adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Carsten asked unanimous consent to withdraw his pending amendment found in the Journal on page 1105. No objections. So ordered.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 168A. Title read. Considered.

Mr. Carsten offered the following amendment:
Add the E clause to LB 168E.

The amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 78. Title read. Considered.

Standing Committee amendments found in the Journal on page 768 for the Thirty-Eighth Day lost with 20 ayes, 0 nays, 26 present and not voting, and 3 excused and not voting.

Messrs. Haberman and Hefner moved to indefinitely postpone LB 78.

SPEAKER MARVEL PRESIDING

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Miss Kilgarin asked unanimous consent to have her name added to LB 292. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 26, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 50, 73, 194, 425, 475, 500 and Reengrossed Legislative Bill 104 were received in my office on March 25, 1981.

These bills were signed by me on March 26, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

STANDING COMMITTEE REPORT
Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointment of Richard L. Berkheimer as Judge of the Commission of Industrial Relations. The Committee recommends that the appointment be confirmed by the Legislature and suggests a record vote.

VOTE
For: Barrett, Goll, Maresh, Vickers and Wiitala
Against: None
Not Voting: None
Absent: Senators Fitzgerald and Labedz

(Signed) Richard Maresh, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 138 in the Journal. No objections. So ordered.

1. On page 2, line 26, after the period insert "The Governor shall receive a salary as provided by law not to exceed forty thousand dollars per annum.".
2. On page 3, line 16, after "salary" insert: "; and that the Governor's salary shall not exceed forty thousand dollars per annum".

Messrs. DeCamp, Schmit, and Warner asked unanimous consent to print the following amendment to LB 245 in the Journal. No objections. So ordered.

1. Insert the following new sections:

"Section 1. The Legislature recognizes the need for a Regional College of Veterinary Medicine in the State of Nebraska and the importance of providing expanded veterinary medical education and services to the citizens of this state. The Legislature by passing sections 85-180.01 to 85-180.06 in 1979 and introducing this act has shown its commitment to building such college.

Section 7. Sections 85-180.01 to 85-180.06 and sections 2 and 4 to 6 of this act shall terminate on March 1, 1982, if, by such date, the federal funds required by section 85-180.05 have not been made available and agreements authorized by section 85-180.01, have not been made with at least two other states.

Section 8. There is hereby appropriated fifty thousand dollars for fiscal year 1981-82 from the State Building Fund to the Board of Regents of the University of Nebraska at Lincoln for Program 936 for preparation of plans, drawings, and specifications for an animal science classroom-office building to be located on the east campus of the University of Nebraska at Lincoln.

Section 9. It is the intent of the Legislature that if sections 85-180.01 to 85-180.06 and sections 2 and 4 to 6 of this act are terminated pursuant to section 7 of this act, a portion of the funds which would have been made available for the project authorized by such sections may be utilized for construction of an animal science classroom -office building if plans, drawings, and specifications for such building have been reviewed pursuant to section 81-1108.41.".

2. Renumber sections 1 through 5, 6, and 7 of the Committee Amendments as sections 2 through 6, 10, and 11 respectively.

VISITORS

Visitors to the Chamber were Sherry Marsh Tupper (Senator Marsh's daughter) from Andover, Massachusetts; Senator Hoagland's mother, Naomi Hoagland; Senator Hoagland's brother and wife, Laurance and Gay Hoagland, their sons, David, Lee, Craig, Ted; and Senator Hoagland's sister, Jayne Hoagland.

ADJOURNMENT

At 4:28 p.m., on a motion by Mr. H. Peterson, the Legislature adjourned until 9:00 a.m., Friday, March 27, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - MARCH 27, 1981

LEGISLATIVE JOURNAL

FIFTY-SECOND DAY - MARCH 27, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 27, 1981

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Royce Willerton, Southview Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, Chronister, Fenger, and V. Johnson who were excused; and Miss Kilgarin, Messrs. Chambers, Dworak, Hoagland, Stoney, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 531. Placed on Select File as amended.
E&Ramendment to LB 531:
1. In the title, strike line 6 and "provided by law" in line 7 and insert "be reimbursed for expenses".

LEGISLATIVE BILL 291. Placed on Select File.
LEGISLATIVE BILL 311. Placed on Select File.

LEGISLATIVE BILL 111. Placed on Select File as amended.
E & R amendment to LB 111:
1. In the title, line 5, strike "section" and insert "sections 48-153 and"; and at the end of line 7 insert "to change a term of office;".

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 394. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. No. 2240)

LEGISLATIVE BILL 410. Placed on General File as amended.
Standing Committee amendments to LB 410:
Req. No. 2163

1. Strike original sections 1 and 2 and insert the following new section:

"Section 1. That section 48-633, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-633. (1) ~~To hear and decide disputed claims, the commissioner shall appoint one or more impartial appeal tribunals consisting in each case of either a salaried examiner, who shall be an attorney, selected~~ Recognizing that a clear separation of functions and the protection of the adjudicative process from any improper influence are fundamental requisites to fair and impartial hearings and to the public confidence in the integrity of the adjudicative process, there is hereby created within the Department of Labor an administrative tribunal which shall be known as the Nebraska Appeal Tribunal. The Nebraska Appeal Tribunal shall be a separate and independent administrative unit, and shall be responsible for the discharge of its distinctive functions. It shall be the function of the Nebraska Appeal Tribunal to hear and decide disputed claims and other matters assigned to its jurisdiction.

(2) The Nebraska Appeal Tribunal shall consist of a chief administrative law judge and as many additional administrative law judges as may be necessary, as determined by the commissioner, who shall be attorneys and shall be appointed by the commissioner on a nonpartisan basis in accordance with section 48-609, or a body consisting of three members, one of whom shall be a salaried examiner, who shall be an attorney, and who shall serve as ~~chairman~~ chairperson, one of whom shall be a representative of employers, and the other one of whom shall be a representative of employees. Each of the latter two members may be selected without regard to section 48-609, and shall serve at the pleasure of the commissioner and be paid a fee, as determined by the commissioner, for each day of active service on such tribunal plus necessary expenses. No person shall

participate on behalf of the commissioner in any case in which he or she is an interested party. The commissioner may designate alternates to serve in the absence or disqualification of any member of an appeal tribunal. The ~~chairman~~ chairperson shall act alone in the absence or disqualification of any other member and his or her alternates. In no case shall the hearings proceed unless the ~~chairman~~ chairperson of the appeal tribunal is present except as is provided in subsection ~~(2)~~ (5) of this section.

(3) The commissioner, and no other agency employee, shall exercise any administrative direction of the tribunal except as hereinafter provided.

(4) The chief administrative law judge shall assign or direct the assignment of the work of the Nebraska Appeal Tribunal to the several administrative law judges and employees thereof, and shall perform such other supervisory duties as the needs of the Nebraska Appeal Tribunal may require. Not later than the thirty-first day of December of each year, the chief administrative law judge shall submit to the commissioner a report covering the administration and operation of the Nebraska Appeal Tribunal during the preceding fiscal year.

~~(2)~~ (5) Whenever the commissioner finds that the hearing of an appeal will be unreasonably delayed by the unavailability of a qualified salaried examiner as ~~chairman~~ chairperson, he or she may appoint a special examiner to serve as ~~chairman~~ chairperson to conduct the hearing. Such special examiner may be appointed without regard to the qualifications hereinbefore set forth and shall have all the powers and perform all the duties of a salaried examiner. After the hearing the special examiner shall make a report of the tribunal's findings with recommendations in writing to the commissioner; which recommendations when approved by the commissioner shall become binding as to the disputed claim only. If the commissioner does not approve the recommendations of the special examiner, the commissioner shall order the disputed claim to be heard by a regular appeal tribunal.

~~(3)~~ (6) The commissioner shall provide the appeal tribunals with proper facilities and assistants for the execution of their functions.".

2. On page 7, line 3, strike "sections 48-633 and" insert "section 48-633"; and in line 4 strike "48-635" and strike "are" and insert "is".

3. Renumber original sections 3 and 4 as sections 2 and 3, respectively.

LEGISLATIVE BILL 470. Placed on General File as amended.
Standing Committee amendment to LB 470:

1. On page 22, strike beginning with the first "sections" in line 18 through the period in line 26 and insert "subdivision (a) or (b) of section 48-628 unless such individual has earned wages for services performed in subsequent employment in an amount not less than four hundred dollars.".

(Signed) Richard Maresh, Chairperson

Judiciary

LEGISLATIVE BILL 512. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. No. 2229.)

(Signed) William Nichol, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 26, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

Carmody, Patrick L. - Omaha, James H. Moylan (Withdrawn 2/1/81)
Gruhn, Jim - Omaha, Nebraska State Association of Firefighters (Withdrawn 3/10/81);Omaha Association of Firefighters-Local No. 385
Kunz, David N. - Hastings, Nebraska Broadcasters Association
Neidig, Bryce P. - Lincoln, Nebraska Farm Bureau Federation
Pollard, Ken - Omaha, Nebraska State Association of Firefighters
Wallin, Lee - Omaha, Visiting Nurse Association

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 47. Read. Considered.

Mr. Vickers offered the following amendment:
Amend LR 47, in the 3rd Paragraph, after the work "Nebraska" insert the word "School"

The amendment was adopted with 28 ayes, 0 nays, and 21 not voting.

LR 47 was adopted with 33 ayes, 0 nays, and 16 not voting.

GENERAL FILE

LEGISLATIVE BILL 329. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 333. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 483. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 12. Title read. Considered.

Mr. Beutler offered the following amendment:
Amend LB 12 by raising credit to $34.

Amendment pending.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lamb, Kremer, and Kahle asked unanimous consent to print the following amendment to LB 245 in the Journal. No objections. So ordered.

Section 7 Strike "1982" and insert "1983".
Strike Sections 8 and 9
Renumber sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 253 in the Journal. No objections. So ordered.

Amend the bill, page 6, lines 23 and 24, by reinserting the stricken language, and in line 24 by striking the new language.

Amend the bill, page 6, lines 26 and 27, by striking the new language.

Amend the bill, page 7, lines 1 through 23 by striking all the new language.

Amend the bill, page 7, lines 23 and 24, by resinserting the stricken language.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 233. Placed on General File as amended.
Standing Committee amendments to LB 233:

1. On page 2, line 4, strike "eight" and insert "four", and strike "1981" and insert "1982"; in line 14 strike "1982" and insert "1983"; and in line 18 strike "1982" and insert "1983".
2. Strike original section 4.

LEGISLATIVE BILL 278. Placed on General File as amended.
Standing Committee amendments to LB 278:

1. On page 5, line 6, after the comma insert "any nonprofit organization providing services primarily for home health care purposes,".
2. On page 11, line 12 after the period insert "In the event that the sales tax rate is decreased during the term of that fixed price contract, the contractor shall refund to the Department of Revenue the decreased sales tax amount.".

(Signed) Calvin F. Carsten, Chairperson

GENERAL FILE

LEGISLATIVE BILL 535. Title read. Considered.

Mr. Koch offered the following amendment:
Strike the new language on page 2 lines 6 and 7 and reinsert the stricken language.

Mr. Koch moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 17:

Beutler Burrows Chambers Fitzgerald Fowler
Goodrich Haberman Kahle Koch Maresh
Marsh Newell Peterson R. Remmers Vickers
Wesely Wiitala

Voting in the negative, 27:

Barrett Carsten Clark Cope Cullan
DeCamp Dworak Goll Hefner Higgins
Johnson, L. Kilgarin Kremer Labedz Lamb
Landis Marvel Nichol Peterson, H. Pirsch
Rumery Schmit Sieck Stoney Von Minden
Wagner Warner

Excused and not voting, 5:

Beyer	Chronister	Fenger	Hoagland	Johnson, V.

The Koch amendment lost with 17 ayes, 27 nays, and 5 excused and not voting.

Laid over.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 407. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 349. Title read. Considered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Haberman moved for a Call of the House.

The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 19:

Burrows	Carsten	Clark	Cope	DeCamp
Haberman	Higgins	Kahle	Kremer	Landis
Maresh	Newell	Nichol	Remmers	Sieck
Von Minden	Wagner	Warner	Wesely	

Voting in the negative, 19:

Barrett Beutler Cullan Dworak Goll
Goodrich Hefner Johnson, L. Kilgarin Koch
Lamb Marsh Marvel Peterson, H. Peterson, R.
Rumery Schmit Stoney Wiitala

Present and not voting, 4:

Chambers Fitzgerald Labedz Vickers

Excused and not voting, 6:

Beyer Chronister Fenger Fowler Hoagland
Johnson, V.

Absent and not voting, 1:

Pirsch

Failed to advance to E & R for Review with 19 ayes, 19 nays, 4 present and not voting, 6 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 427. Title read. Considered.

Mr. Wagner offered the following amendment:
On page 2, line 24, stike "section" and add "sections".
On page 2, line 24, after 84-306.01, add "to 84-306.05".
On page 2, line 24, strike "," after "84-306.01.

The Wagner amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

MR. CLARK PRESIDING

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 427A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

LB 555 Monday, April 6, 1981 7:00 p.m.

(Signed) Elroy Hefner, Chairperson

GENERAL FILE

LEGISLATIVE BILL 157. Title read. Considered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

MR. CLARK PRESIDING.

LEGISLATIVE BILL 157A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 200. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 371. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 280. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 536. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

MR. WESELY PRESIDING

LEGISLATIVE BILL 158. Title read. Considered.

Standing Committee amendments, Req. No. 2095, found in the Journal on page 640 for the Thirtieth Day were considered.

The Standing Committee amendments were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

Advanced to E & R for Review with 26 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Haberman asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

LEGISLATIVE BILL 330. Title read. Considered.

Standing Committee amendment found in the Journal on page 676 for the Thirty-Second Day was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 58. Title read. Considered.

Standing Committee amendments found in the Journal on page 686 for the Thirty-Third Day were considered.

Mr. Vickers offered the following amendment to the Standing Committee amendments:

Amend LB 58 following "prairie" on Line 14 of the Comm. amendment by inserting which has been used as an educational tool by an educational institution of this state

The Vickers amendment to the Standing Committee amendments was adopted with 24 ayes, 0 nays, 19 present and not voting, and 6 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 491. Title read. Considered.

Standing Committee amendment found in the Journal on page 687 for the Thirty-Third Day was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 283. Title read. Considered.

Standing Committee amendments, Req. No. 2110, found in the Journal on page 693 for the Thirty-Third Day were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

MR. CLARK PRESIDING

LEGISLATIVE BILL 87. Title read. Considered.

Standing Committee amendments found in the Journal on page 697 for the Thirty-Third Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 437. Title read. Considered.

Standing Committee amendment found in the Journal on page 697 for the Thirty-Third Day was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 379. Title read. Considered.

Standing Committee amendments found in the Journal on page 730 for the Thirty-Fifth Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT

Mr. Koch announced the Education Committee will hold an Executive Session in Room 1517 Monday, March 30 upon adjournment.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 111 in the Journal. No objections. So ordered.

(1)

On page 2, lines 14 and 15: strike "ninety-two and one half per cent"; insert "ninety per cent".

(2)

On page 3, line 12: strike "eighty five"; insert "eighty".

(3)

Page 5, line 3: strike "eighty-five"; insert "eighty".

(4)

Page 5, line 26: strike "eighty-five"; insert "eighty".

Mr. Beutler asked unanimous consent to print the following amendment to LB 536 in the Journal. No objections. So ordered.

Amend LB 536 by reinstating the stricken language in lines 13 through 15 beginning with the word "The" in line 13

STANDING COMMITTEE REPORTS

Public Health and Welfare

The Committee on Public Health and Welfare desires to report favorably upon the appointments or reappointments listed below. The Committee on Public Health and Welfare suggest the appointments or reappointments be confirmed by the Legislature and suggests a record vote.

Dr. Warren Bosley, State Board of Health
Mr. Julian H. Hopkins, State Board of Health
Dr. David Kats, State Board of Health
Mrs. Phyllis Smith, State Board of Health
Mr. George F. Sullivan, State Board of Health

Vote For: Senators Cullan, Wesely, Higgins, Fenger, Maresh, R. Peterson, and Barrett. (7). Against: None. Not Voting: None. Absent: None.

(Signed) Samuel K. Cullan, Chairperson

Business and Labor

LEGISLATIVE BILL 119. Indefinitely postponed.
LEGISLATIVE BILL 201. Indefinitely postponed.
LEGISLATIVE BILL 323. Indefinitely postponed.
LEGISLATIVE BILL 337. Indefinitely postponed.
LEGISLATIVE BILL 505. Indefinitely postponed.

(Signed) Richard Maresh, Chairperson

GENERAL FILE

LEGISLATIVE BILL 44. Title read. Considered.

Standing Committee amendments, Req. No. 2125, printed separate from the Journal and referred to on page 731 for the Thirty-Fifth Day were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Wesely offered the following amendment:

(Amendments to committee amendments)

Req. No. 2192

1. Insert a new section as follows:

"Sec. 10. That section 69-211, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-211. If a pawnbroker or chattel loan broker is ~~found~~ alleged to have stolen personal property in his or her possession, after inspection by police, any person claiming lawful ownership of such property may file an action with the county court in the county of residence of the claimant or the county where the pawnbroker or chattel loan broker is doing business for a summary determination of possession of the property pending a final adjudication of the issue of ownership. The pawnbroker and the person who pawned, pledged, or mortgaged the personal property shall be provided notice of the proceeding and a hearing prior to determination of the court. If the court determines that the person claiming lawful ownership of the property shall be awarded possession of the property pending final determination, the property shall be returned to the claimant upon the posting of a bond for the value of the property. Upon a final determination that the claimant is the lawful owner, he or she shall be awarded permanent possession of the property and shall not be liable for any debt incurred by the pawnbroker which results from the pawning, loan, or mortgage of the property.~~, such property shall be returned to the lawful owner thereof~~. ~~No charges or fees shall be assessed against the owner for the return of the property.~~”.

2. On page 10, line 14, strike “and”, and after the second comma insert “and 69-211,”; in line 16 strike “sections 69-207 and 69-211” and insert “section 69-207”; and in line 19 strike “10” and insert “11”.

Mr. Barrett asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Wesely moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Wesely amendment was adopted with 25 ayes, 10 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 173. Title read. Considered.

Standing Committee amendments, Req. No. 2060, found in the Journal on page 737 for the Thirty-Sixth Day were considered.

Mr. Warner offered the following amendment to the Standing Committee amendments:

(Amendments to Committee Amendments)

1. On page 2, strike beginning with “Approval” in line 11 through the period in line 15 and insert “Approval of a proposed acquisition may be denied upon a finding by the appropriate governing body that the acquisition is not in the public interest when the easement is inconsistent with (a) a comprehensive plan for the area which had been officially adopted and was in force at the time of the conveyance, (b) any national, state, regional, or local program furthering conservation or preservation, or (c) any known proposal by a governmental body for use of the land.”.

2. On page 3, line 2 after “12” insert a period; and strike beginning with the semicolon in line 2 through the second period in line 10; and in line 11 strike beginning with “strike” through “in”.

3. Insert the following new amendment:

“4. Strike original section 3 and insert the following new section:

'Sec. 3. (1) A conservation or preservation easement may be released by the holder of the easement to the owner of the servient estate, except that such release shall be approved by the governing body which approved the easement, or if the holder is the state, a state agency, or political subdivision other than a city, village, or county, the release shall be approved by the state or such state agency or political subdivision. The release of an easement may be approved upon a finding by such body that the easement no longer substantially achieves the conservation or preservation purpose for which it was created.

(2) A conservation or preservation easement may be assigned or transferred to any governmental body or charitable corporation or trust authorized to secure such easement pursuant to this act.' ".

4. Renumber remaining committee amendments accordingly.

The amendment was adopted with 19 ayes, 0 nays, 24 present and not voting, and 6 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

MR. NICHOL PRESIDING

LEGISLATIVE BILL 331. Title read. Considered.

Standing Committee amendments found in the Journal on page 746 for the Thirty-Seventh Day were adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 392. Title read. Considered.

Standing Committee amendments found in the Journal on page 761 for the Thirty-Seventh Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 478. Title read. Considered.

Standing Committee amendment found in the Journal on page 781 for the Thirty-Eighth Day was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Hoagland renewed his pending amendment found in the Journal on page 1078.

Mr. Wagner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Hoagland pending amendment lost with 8 ayes, 14 nays, 21 present and not voting, and 6 excused and not voting.

Mrs. Pirsch moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for Review with 25 ayes, 4 nays, 14 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 113. Title read. Considered.

Standing Committee amendments found in the Journal on page 790 for the Thirty-Ninth Day were adopted with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 113A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 327. Title read. Considered.

Standing Committee amendment found in the Journal on page 810 for the Thirty-Ninth Day was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 317 in the Journal. No objections. So ordered.

1. On page 11, line 1 after "Each" insert "community-based service, program, or facility within each mental retardation region which desires to receive funds designated by the office of mental retardation for a mental retardation region and each"; in line 2 strike "1973" and insert "~~1973~~ 1982"; in line 5 after "region" insert "or community-based service, program, or facility"; and in line 20 after the period insert "The office of mental retardation may use funds designated for a mental retardation region to fund agencies within the region which would provide community-based services, programs, and facilities for the mentally retarded.".

2. Insert a new section as follows:

"Sec. 13. (1) In order for a county or counties to receive separate funding, including funds appropriated for the region, and to operate or contract for community-based mental retardation services in lieu of those operated by the mental retardation region, the county or counties shall make written application to the Department of Public Institutions setting forth in specific terms the manner in which the services provided by the mental retardation region has failed to meet:

(a) The needs of mentally retarded persons in the county or counties involved; and

(b) County concerns which have not been sufficiently considered or satisfied by the mental retardation region.

(2) Upon receipt of such application, the Department of Public Institutions shall hold a meeting with the complaining county or counties and the region in an attempt to resolve the differences so that services can be continued within the regional program. If the department determines after such mediation efforts that the allegations of the complaining county or counties are true and sufficient, and the differences cannot be resolved, the department may fund the separate program if the requesting county or counties agree to:

(a) Be responsible for providing or contracting for quality community-based mental retardation services in the separate county or counties in accordance with applicable standards, licensure, and other requirements; and

(b) Provide the separate program with equal or greater funding than they provided in the preceding year to the regional program.

(3) Upon its own motion, the Department of Public Institutions may revoke approval of such separate program.”.

3. Renumber original sections accordingly.

UNANIMOUS CONSENT - Withdraw Amendments

Messrs. Schmit and DeCamp asked unanimous consent to withdraw all their amendments as well as their names from any amendments offered jointly to LB 284. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 181 in the Journal. No objections. So ordered.

Amend the Committee Amendments to LB 181 by striking Section 53 on page 59 of Req. 2135

Mr. Newell asked unanimous consent to print the following amendments to LB 284 in the Journal. No objections. So ordered.

1. On page 2, strike beginning with “on” on line 26 through the period on page 3, line 1, and insert “ten per cent on the ratio of the population of the county to the population of the entire state as determined by the latest federal census and ninety per cent on the ratio of the actual valuation of real property in the county to the actual valuation of real property in the entire state as determined by the most recent abstract of assessment and as equalized by the State Board of Equalization Assessment.”

1. On page 2, line 27, and page 3, line 1, strike “of real estate”.

VISITORS

Visitors to the Chamber were 55 students and teacher from Wayne Middle School, Wayne; 21 students, sponsors, and teachers from Kenwood School, Kearney; 17 students and teachers from Concordia College, Seward; 48 students and teachers from Beatrice; Mr. Eldridge Scriven from Scottsbluff; Carroll Carsten (Senator Carsten’s son) from North Platte; 50 seniors and teachers from Cathedral High, Omaha; and Mr. Carson Rogers and Mr. James Knapp from Ord.

ADJOURNMENT

At 1:50 p.m., on a motion by Mr. Carsten, the Legislature adjourned until 9:30 a.m., Monday, March 30, 1981.

Patrick J. O’Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - MARCH 30, 1981

LEGISLATIVE JOURNAL

FIFTY-THIRD DAY - MARCH 30, 1981

LEGISLATIVE JOURNAL

EIGHTY SEVENTH LEGISLATURE
FIRST SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 30, 1981

Pursuant to adjournment, the Legislature met at 9:32 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Cullan who was excused; and Messrs. Haberman, Hoagland, Newell, Schmit, Wiitala, Mesdames Labedz, and Marsh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Second Day was approved.

MESSAGE FROM THE GOVERNOR

March 27, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bill 171 was received in my office on March 25, 1981.

This bill was signed by me on March 27, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 253 in the Journal. No objections. So ordered.

1. On page 4, line 6, strike "17 to 20" and insert "16 to 19".
2. On page 5, line 22, strike "18" and insert "17".
3. On page 6, line 20, strike "17 to 20" and insert "16 to 19".
4. Strike original section 10.
5. On page 9, line 16 and lines 23 and 24, strike "17 to 20" and insert "16 to 19".
6. On page 10, lines 3, 6, 10, 16, and 23, strike "17 to 20" and insert "16 to 19".
7. On page 11, lines 2 and 3, strike "17 and 18" and insert "16 and 17"; in line 6 strike "17 to 20" and insert "16 to 19"; in line 10 strike "18" and insert "17"; and in line 14 strike "20" and insert "19".
8. On page 12, line 7, strike "18" and insert "17"; and in line 11 strike "20" and insert "19"; and in lines 16 and 26 strike "17" and insert "16".
9. On page 13, line 4, strike "18" and insert "17"; in line 16 strike "17" and insert "16"; and in lines 19 and 24 strike "17 to 20" and insert "16 to 19".
10. On page 15, line 8, strike "20" and insert "19".
11. On page 17, lines 8 and 9, strike "17 to 20" and insert "16 to 19".
12. On page 18, lines 15, 22 and 23, and 26, strike "17 to 20" and insert "16 to 19".
13. On page 19, lines 4, 10, 13, and 17, strike "17 to 20" and insert "16 to 19"; and in line 20 after "81-1549" insert ", 81-1551".
14. Renumber original sections 11 to 29 as sections 10 to 28, respectively.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 556. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to amend sections 44-1620.01 and 44-1623, Reissue Revised Statutes of Nebraska, 1943, relating to insurance for state employees; to increase the state contribution for health insurance; to increase the amount of state-paid life insurance; to provide an operative date; to repeal the original sections; and to declare an emergency.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 47.

MOTION - APPROVE APPOINTMENTS

Mr. Koch moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 900: Nebraska Safety Center Advisory Council - Jim Preston, Don Cattle, Ivan Abdouch, Larry Morris; Coordinating Commission Postsecondary Education - Robert Berkshire; Board of Trustees of Nebraska State Colleges - Dave Martin, J. Alan Cramer, Carroll Thompson; Board of Educational Lands and Funds - Ed Narjes.

Voting in the affirmative, 27:

Beyer	Carsten	Chronister	Clark	Cope
Dworak	Fitzgerald	Fowler	Goll	Goodrich
Hefner	Johnson, L.	Kilgarin	Koch	Kremer
Lamb	Landis	Maresh	Marvel	Nichol
Peterson, H.	Sieck	Stoney	Vickers	Wagner
Warner	Wesely			

Voting in the negative, 0.

Present and not voting, 13:

Barrett	Beutler	Burrows	Chambers	DeCamp
Fenger	Higgins	Johnson, V.	Kahle	Peterson, R.
Remmers	Rumery	Von Minden		

Excused and not voting, 9:

Cullan	Haberman	Hoagland	Labedz	Marsh
Newell	Pirsch	Schmit	Wiitala	

The appointments were confirmed with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointments found in the Journal on page 917-918: Nebraska Arts Council - Dick Davis, Lois Roskens, Jeanne Smith.

Voting in the affirmative, 31:

Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Hefner
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marvel
Nichol
Peterson, H.
Peterson, R.
Sieck
Stoney
Vickers
Von Minden
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 9:

Barrett
Beutler
Chambers
Fowler
Higgins
Johnson, V.
Remmers
Rumery
Wagner

Excused and not voting, 9:

Cullan
Haberman
Hoagland
Labedz
Marsh
Newell
Pirsch
Schmit
Wiitala

The appointments were confirmed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Mr. Kahle moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointment found in the Journal on page 1061: Betty Majors - State Personnel Board.

Voting in the affirmative, 27:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Dworak
Fitzgerald
Goll
Goodrich
Haberman
Johnson, V.
Kahle
Kilgarin
Lamb
Landis
Maresh
Nichol
Peterson, H.
Peterson, R.
Sieck
Vickers
Von Minden
Wagner
Warner

Voting in the negative, 0.

Present and not voting, 14:

Beutler
Chambers
Fenger
Fowler
Hefner
Higgins
Johnson, L.
Koch
Kremer
Marvel
Remmers
Rumery
Stoney
Wesely

Excused and not voting, 8:

Cullan
Hoagland
Labedz
Marsh
Newell
Pirsch
Schmit
Wiitala

The appointment was confirmed with 27 ayes, 0 nays, 14 present and not voting, and 8 excused not voting.

Mr. Wagner moved the adoption of the report of the Agriculture and Environment Committee for the following Governor appointments found in the Journal on page 1070: Environmental Control Council - Harry D. Shaffer, M.D., Richard Beermann, Al Wood.

Voting in the affirmative, 30:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Dworak
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Johnson, L.
Johnson, V.
Kilgarin
Koch
Lamb
Landis
Maresh
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Stoney
Vickers
Warner

Voting in the negative, 0.

Present and not voting, 12:

Beutler
Chambers
Fenger
Hefner
Higgins
Kahle
Kremer
Marvel
Pirsch
Von Minden
Wagner
Wesely

Excused and not voting, 7:

Cullan
Hoagland
Labedz
Marsh
Newell
Schmit
Wiitala

The appointments were confirmed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. DeCamp moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointments found in the Journal on page 1072: Nebraska Investment Council - Ralph Kelly.

Voting in the affirmative, 31:

Barrett	Burrows	Carsten	Chronister	Clark
Cope	DeCamp	Dworak	Fenger	Fitzgerald
Fowler	Goll	Goodrich	Haberman	Hefner
Johnson, L.	Johnson, V.	Kilgarin	Kremer	Landis
Maresh	Marvel	Nichol	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rumery	Sieck	Stoney
Von Minden				

Voting in the negative, 0.

Present and not voting, 11:

Beutler	Beyer	Chambers	Higgins	Kahle
Koch	Lamb	Vickers	Wagner	Warner
Wesely				

Excused and not voting, 7:

Cullan	Hoagland	Labedz	Marsh	Newell
Schmit	Wiitala			

The appointment was confirmed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Nichol moved the adoption of the report of the Judiciary Committee for the following Governor appointment found in the Journal on page 1130: Crime Victim's Reparation Board - Verne Moore, Jr.

Voting in the affirmative, 34:

Barrett	Beyer	Burrows	Chronister	Clark
Cope	DeCamp	Dworak	Fenger	Fitzgerald
Fowler	Goll	Goodrich	Haberman	Hefner
Johnson, L.	Johnson, V.	Kilgarin	Koch	Kremer
Landis	Maresh	Nichol	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rumery	Sieck	Stoney
Vickers	Von Minden	Wagner	Warner	

Voting in the negative, 0.

Present and not voting, 8:

Beutler Carsten Chambers Higgins Kahle
Lamb Marvel Wesely

Excused and not voting, 7:

Cullan Hoagland Labedz Marsh Newell
Schmit Wiitala

The appointment was confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Mr. Maresh moved the adoption of the report of the Business and Labor Committee for the following Governor appointment found in the Journal on page 1156: Richard L. Berkheimer - Judge of the Commission of Industrial Relations.

Voting in the affirmative, 31:

Barrett Beyer Burrows Carsten Chronister
Clark Dworak Fenger Fitzgerald Fowler
Goodrich Haberman Hefner Johnson, L. Johnson, V.
Kahle Kilgarin Koch Kremer Lamb
Landis Maresh Peterson, H. Peterson, R. Remmers
Sieck Stoney Vickers Von Minden Warner
Wesely

Voting in the negative, 0.

Present and not voting, 11:

Beutler Chambers Cope DeCamp Goll
Higgins Marvel Nichol Pirsch Rumery
Wagner

Excused and not voting, 7:

Cullan Hoagland Labedz Marsh Newell
Schmit Wiitala

The appointment was confirmed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Wesely moved the adoption of the report of the Public Health and Welfare Committee for the following Governor appointments found in the Journal on page 1169: State Board of Health - Dr. Warren Bosley, Mr. Julian H. Hopkins, Dr. David Kats, Mrs. Phyllis Smith, and Mr. George F. Sullivan.

Voting in the affirmative, 33:

Barrett Burrows Chronister Clark Dworak
Fenger Fitzgerald Goll Goodrich Haberman
Hefner Higgins Johnson, L. Johnson, V. Kahle
Kilgarin Koch Lamb Landis Maresh
Nichol Peterson, H. Peterson, R. Pirsch Remmers
Rumery Sieck Stoney Vickers Von Minden
Wagner Warner Wesely

Voting in the negative, 0.

Present and not voting, 9:

Beutler Beyer Carsten Chambers Cope
DeCamp Fowler Kremer Marvel

Excused and not voting, 7:

Cullan Hoagland Labedz Marsh Newell
Schmit Wiitala

The appointment was confirmed with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 48.

Introduced by Koch, 12th District.

WHEREAS, the scholastic accomplishments of Nebraska's youth are deserving of encouragement and recognition; and

WHEREAS, Barbara Shields, a senior from Omaha at the University of Nebraska at Lincoln, has been chosen as the first Fulbright scholar to study at Switzerland from the University of Nebraska-Lincoln; and

WHEREAS, Ms. Shields will concentrate on genetic engineering research at the University of Basel in Switzerland and attempt to grow plants from individual cells; and

WHEREAS, Barbara Shields will have the opportunity to conduct research on sorghum and other cereal grains which may benefit future agricultural enterprises.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Legislature congratulates Barbara Shields on her Fulbright Scholarship and her past academic achievements and expresses its best wishes for her future research and endeavors.

Laid over.

SELECT FILE

LEGISLATIVE BILL 39. E & R amendment found in the Journal on page 1121 for the Fiftieth Day was adopted.

Mr. Warner moved to indefinitely postpone LB 39.

Laid over.

LEGISLATIVE BILL 167. E & R amendments found in the Journal on page 1122 for the Fiftieth Day were adopted.

Laid over.

LEGISLATIVE BILL 197. E & R amendment found in the Journal on page 1122 for the Fiftieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 197A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 291. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 311. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 111. E & R amendment found in the Journal on page 1158 for the Fifty-Second Day was adopted.

Mr. Chambers asked unanimous consent to withdraw his pending amendments 1 through 4 found in the Journal on page 1169. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LB 111.

Mr. Chronister moved to suspend Rule 7 Section 3 to take up indefinitely postpone motion today.

SPEAKER MARVEL PRESIDING

Mr. Chronister moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Chronister motion to suspend the rules prevailed with 30 ayes, 13 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Messrs. DeCamp and Fowler asked unanimous consent to be excused until they return. No objections. So ordered.

MR. CLARK PRESIDING

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Chambers requested a roll call vote on his motion.

Voting in the affirmative, 26:

Burrows
Carsten
Chambers
Clark
Cope
Dworak
Goll
Haberman
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Maresh
Marvel
Newell
Peterson, H.
Remmers
Rumery
Stoney
Vickers
Wagner
Warner
Wesely

Voting in the negative, 17:

Barrett
Beutler
Beyer
Chronister
Fitzgerald
Hefner
Higgins
Labedz
Landis
Marsh
Nichol
Peterson, R.
Pirsch
Schmit
Sieck
Von Minden
Wiitala

Present and not voting, 1:

Fenger

Excused and not voting, 4:

Cullan
DeCamp
Fowler
Hoagland

Absent and not voting, 1:

Goodrich

The Chambers motion to indefinitely postpone LB 111 prevailed with 26 ayes, 17 nays, 1 present and not voting, 4 excused and not voting, and 1 absent and not voting.

SPEAKER MARVEL PRESIDING

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 158A. By Marvel, 33rd District.
This bill introduced on behalf of: LB 158.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 158, Eighty-seventh Legislature, First Session, 1981.

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 168 in the Journal. No objections. So ordered.

1. On page 2 of the Committee Amendments, reinstate the stricken matter beginning with the comma on line 16 through "assessor" on line 17; On line 20 after "year," insert "the year, make, model, and size of each mobile home,";
2. On page 3 of the bill, strike "the mobile home owner's name and address" on lines 7 and 8 and insert "an indentification number".

Mrs. Labedz asked unanimous consent to print the following amendment to LB 72 in the Journal. No objections. So ordered.

1. On page 6 in the Final Reading Second copy, insert "were purchased prior to January 1, 1982, and" at the end of line 10; in line 11 strike "1981" and insert "1982"; and in line 12 strike "extended" and insert "made valid" and strike "December 31, 1981" and insert "June 30, 1982".

GENERAL FILE

LEGISLATIVE BILL 78. Title read. Considered.

Messrs. Haberman and Hefner renewed their pending motion to indefinitely postpone LB 78 found in the Journal on page 1155.

Mr. Dworak requested a record vote.

Voting in the affirmative, 28:

Barrett Beyer Burrows Carsten Clark
Fenger Fitzgerald Goll Haberman Hefner
Higgins Johnson, L. Kahle Kremer Lamb
Maresh Marvel Nichol Peterson, H. Peterson, R.
Pirsch Remmers Rumery Schmit Stoney
Von Minden Wagner Warner

Voting in the negative, 12:

Beutler Chambers Dworak Hoagland Johnson, V.
Kilgarin Koch Landis Marsh Newell
Wesely Wiitala

Present and not voting, 6:

Chronister Cope Goodrich Labedz Sieck
Vickers

Excused and not voting, 3:

Cullan DeCamp Fowler

The motion to indefinitely postpone prevailed with 28 ayes, 12 nays, 6 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Kremer asked unanimous consent to print the following amendment to LB 132 in the Journal. No objections. So ordered.

1. In the committee amendments, on page 1, line 16, strike "22" and insert "24".

2. In the committee amendments, on page 2, line 9, after "ordinance" insert a comma; and in line 14 after "energy" insert a comma.

3. On page 13, lines 19 and 23, after "a" insert "political subdivision and a"; and in line 27 strike "to have perpetual succession, (4)".

4. On page 14, line 2, strike "(5)" and insert "(4)".

5. In the committee amendments, on page 6, line 2, strike “to alter its service area,”; and in line 26 after “department” insert “, after notice to interested parties and a public hearing,”.

6. In the committee amendments, on page 8, line 27, strike “municipalities” and insert “municipality or county where the principal office or place of business of the agency is located, or if no newspaper is so published then in a newspaper qualified to carry legal notices having general circulation therein,”.

7. In the committee amendments, on page 9, line 1, strike “participating in the agency”; and in lines 26 and 27 strike “municipalities participating in the agency” and insert “municipality or county where the principal office or place of business of the agency is located, or if no newspaper is so published then in a newspaper qualified to carry legal notices having general circulation therein,”.

8. In the committee amendments, on page 11, line 27, strike “32 to 34” and insert “42 to 44”.

9. On page 23, line 16, after “water” insert a comma; in line 17 strike the second “or” and insert a comma, and after “source” insert a comma; in lines 18 and 20 strike “it” and insert “the agency”; and in line 19 after “municipalities” insert “. An agency may make such sale to any person”.

10. In the committee amendments, on page 13, line 24, strike “after ‘person’ ” and insert “strike ‘to any person’ and”; and strike beginning with the second comma in line 26 through “agency” in line 27.

11. In the committee amendments, on page 15, line 4, strike “plant” and insert “agency”.

12. In the committee amendments, on page 26, line 19, strike “an”.

13. In the committee amendments, on page 28, line 17, strike “54 to 66” and insert “61 to 80”.

14. On page 35, line 2, strike “or special assessments”.

15. In the committee amendments, on page 30, line 11, after “state” insert “, and shall be exempt from all special assessments of any participating municipality”.

16. Insert a new section as follows:

“Sec. 87. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 17, 351, and 446.

(Signed) Karen Kilgarin, Chairperson

VISITORS

Visitors to the Chamber were Leonard Lindley from Anselmo; Howard Peterson's sisters Esther Olson and husband Rev. Herbert, Ruth Robert and husband Gail from Norfolk, Emory Peterson from Lincoln, and Art Peterson from Olympia, Washington; Mr. and Mrs. Clifford Armstrong from Broken Bow.

RECESS

At 12:06 p.m., on a motion by Mrs. Marsh, the Legislature recessed until 1:36 p.m.

AFTER RECESS

The Legislature reconvened at 1:44 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan, DeCamp, and Fowler who were excused; and Mesdames Higgins and Labedz, Messrs. Beutler, Goodrich, Haberman, Johnson, L., Kremer, Newell, and Schmit who were excused until they arrive.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 317A. By Koch, 12th District.
This bill introduced on behalf of: LB 317.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 317, Eighty-seventh Legislature, First Session, 1981.

GENERAL FILE

LEGISLATIVE BILL 317. Title read. Considered.

Standing Committee amendments found in the Journal on page 769 for the Thirty-Eighth Day were adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Lamb asked unanimous consent to withdraw his pending amendment found in the Journal on page 1079. No objections. So ordered.

Mr. Lamb renewed his pending amendment found in the Journal on page 1174.

Mr. Lamb asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS

Public Health and Welfare

LEGISLATIVE BILL 448. Placed on General File as amended.
Standing Committee amendments to LB 448:

1. On page 7, line 7, before "(3)" insert "and"; and strike beginning with "prescribe" in line 7 through "(4)" in line 10.
2. On page 11, line 14, strike "7" and insert "5".
3. Strike original sections 5, 6, and 8.
4. Renumber original section 7 as section 5, and original sections 9 to 12 as sections 6 to 9, respectively.

LEGISLATIVE BILL 449. Placed on General File as amended.
Standing Committee amendments to LB 449:

1. On page 7, line 10, before "(3)" insert "and"; strike beginning with "prescribe" in line 10 through "(4)" in line 12; and in line 14 after "protection" insert "when it does not prohibit or restrict current legitimate practices in this state".
2. On page 10, line 22, strike "to 5 and 9" and insert "and 4".
3. On page 11, line 15, strike "8" and insert "6".
4. On page 12, line 13, strike "71-1,136.01,"; and in line 14 after "71-1,136.03" strike the comma.
5. Strike original sections 5, 6, and 9.
6. Renumber original sections 7 and 8 as sections 5 and 6, and original sections 10 to 13 as sections 7 to 10, respectively.

LEGISLATIVE BILL 450. Placed on General File as amended.
Standing Committee amendments to LB 450:

1. On page 7, line 12, before "(3)" insert "and"; and strike beginning with "prescribe" in line 12 through "(4)" in line 14.
2. On page 11, line 7, strike "7" and insert "5".
3. On page 12, line 5, strike "sections 71-174.01 and" and insert "section".
4. Strike original sections 5, 6, and 8.
5. Renumber original section 7 as section 5 and original sections 9 to 12 as sections 6 to 9, respectively.

LEGISLATIVE BILL 451. Placed on General File.

LEGISLATIVE BILL 263. Placed on General File as amended.
Standing Committee amendments to LB 263:
Req. No. 2249

1. On page 4, strike beginning with "any" in line 21 through "Dental" in line 22, show as stricken, and insert "dental"; in line 23 strike "and" and show as stricken; in line 24 strike "seventy-five dollars;" and show the old matter as stricken; in line 25 strike the first "and", show as stricken, and strike "twenty-five dollars; and" and show as stricken; in line 27 after the comma insert "the board of examiners for each such profession shall establish such fee which shall be in an amount between ten and fifty dollars and shall be based on the administrative costs of renewal."; and strike "twenty-five dollars." and show the old matter as stricken.

2. Insert the following new section:

Sec. 2. That section 71-1,162, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,162. (1) All licenses shall expire annually on April 1 of each year, but may be renewed annually by registration with the Department of Health and payment of the annual renewal fee ~~of fifteen~~ which shall be in an amount between ten and fifty dollars. The board of examiners shall establish such fee which shall be based on the administrative costs of renewal; Provided, that the board shall receive ~~ten~~ at least five dollars and the department at least five dollars, less the state's share of fifteen per cent contributed to the General Fund.

(2) At least thirty days before the expiration of his or her license, as set forth in subsection (1) of

this section, the department shall notify each licensee by a letter addressed to him or her at his or her last place of residence as noted upon its records, that his or her license will expire on April 1 and provide him or her with a form for reregistration. The department shall issue a new certificate of registration to all persons registering under the provisions of this act. Any licensee, who fails to pay the renewal fee, on or before the date of expiration of his or her license, shall be given a second notice in the same manner advising him or her (a) of his or her failure to pay, (b) that his or her license on that account has expired, (c) that the department will suspend action for thirty days following the date of expiration, (d) that upon the receipt of the annual renewal fee, together with an additional fee of ~~one dollar~~ five dollars, within that time, no order of revocation will be entered, and (e) that upon failure to receive the amount then due and ~~one dollar~~ five dollars in addition to the regular renewal fee, as provided by subsection (1) of this section, an order of revocation will be entered.

(3) Any licensee who allows his or her license to lapse by failing to renew the same, as provided in subsections (1) and (2) of this section, may be reinstated upon the recommendation of the board and the payment of the regular and additional renewal fees then due. ~~; Provided, that any licensee who fails to renew his license after five years have elapsed since the date of expiration may not have his license renewed, but the holder must make application for a new license and take the licensing examination.~~

(4) The department may waive the payment of the registration renewal fee of a licensed veterinarian during the period when he or she is on active duty with any branch of the armed services of the United States, not to exceed the longer of three years or the duration of a national emergency.

(5) Each Nebraska licensed veterinarian in active practice within the State of Nebraska shall be required on or before April 1 of each year, commencing in 1971, to attend sixteen hours, annually, of such approved scientific schools, clinics, forums, lectures, or veterinary educational seminars, as may be announced and approved by the Board of Examiners in Veterinary Medicine and Surgery, as a prerequisite for the licensee's next subsequent annual license renewal; Provided, that at

least sixteen hours of such educational program is conducted annually in the State of Nebraska.

Each licensed veterinarian in active practice within the State of Nebraska shall, on or before April 1 of each year, certify on forms provided by the Board of Examiners in Veterinary Medicine and Surgery that he or she has complied with sections 71-1,153 to 71-1,167 and this section during the preceding year. Such board shall, on or before April 1 of each year, report all licensees who have complied with the educational requirements to the Director of the Bureau of Examining Boards of the Department of Health. Licensees who have not complied with such requirements shall not be issued a renewal license, unless exempt or excused for good cause shown. The following licensees shall be exempt from the requirements of this subsection:

(a) Any person holding a Nebraska license but who is not practicing veterinary medicine in Nebraska;

(b) Any licensee serving in the regular armed forces of the United States during any part of the twelve months immediately preceding the annual license renewal date;

(c) Any licensee submitting proof that he or she was suffering from a serious or disabling illness or physical disability which prevented his or her attendance at any qualified educational seminar within the State of Nebraska during the twelve months immediately preceding any annual license renewal date; and

(d) Any licensee first licensed within the twelve months immediately preceding the renewal date provided in this section.".

3. On page 5, line 19, strike "section" and insert "sections 71-1,162 and".

4. Renumber original sections 2 and 3 as sections 3 and 4, respectively.

LEGISLATIVE BILL 447. Indefinitely postponed.

(Signed) Samuel K. Cullan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 258. Title read. Considered.

Standing Committee amendments found in the Journal on page 809 for the Thirty-Ninth Day were adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

MR. CLARK PRESIDING

Mr. Vickers moved to indefinitely postpone LB 258.

Mrs. Pirsch asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

SPEAKER MARVEL PRESIDING

Mr. Cullan moved for a Call of the House. The motion prevailed with 28 ayes, 5 nays, and 16 not voting.

Mr. Cullan requested a roll call vote.

Voting in the affirmative, 24:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Fitzgerald
Haberman
Higgins
Johnson, L.
Kahle
Kremer
Lamb
Landis
Maresh
Peterson, H.
Peterson, R.
Rumery
Stoney
Vickers
Wagner
Warner
Wiitala

Voting in the negative, 21:

Beutler
Clark
Cullan
Dworak
Fenger
Goll
Goodrich
Hefner
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Marsh
Marvel
Newell
Nichol
Remmers
Schmit
Sieck
Von Minden

Present and not voting, 1:

Wesely

Excused and not voting, 3:

DeCamp
Fowler
Pirsch

The Vickers motion to indefinitely postpone prevailed with 24 ayes, 21 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 384. Placed on Select File as amended.
E & R amendments to LB 384:

1. On page 3, lines 6 and 23, strike "sections 2 and 3" and insert "section 2"; in lines 7 and 23 after "act" insert "and this section"; and in line 20, strike "sections 1 and 2" and insert "section 2" and after "act" insert "and this section".

2. On page 4, strike the third comma in line 6 and the commas in lines 18 and 19.

3. On page 6, line 12, strike the third comma; in line 17, insert an underscored comma after "corporation"; and in line 22 strike "loans" and insert "loan".

4. On page 7, line 15, strike the second comma.

5. On page 8, lines 23 and 25, strike "people" and insert "person".

6. On page 13, line 16, insert "that" after "extent".

7. On page 17, line 9, insert an underscored comma after "by"; and in line 19, strike "that" and insert "as".

8. In the Sieck amendment, line 5, strike "and".

9. In the Schmit amendments found on page 1147 of the Journal, renumber subdivisions added by amendment 5 as subdivisions "(4)" to "(6)"; on page 1, line 21, strike "and"; and on page 2, line 12, insert an underscored comma after "That".

10. On page 27, line 12, strike "in".

11. On page 32, line 5, strike "is" and insert "are".

LEGISLATIVE BILL 59. Placed on Select File as amended.
E & R amendments to LB 59:

1. In committee amendments, page 1, line 5, strike "same" and "as".

2. In the title, line 4, strike "and" and insert "to provide for appeals; to provide for rules and regulations;" and in line 5 insert "; and to declare an emergency" before the period.

LEGISLATIVE BILL 168. Placed on Select File as amended.
E & R amendments to LB 168:

1. In committee amendments, page 2, line 19, strike the comma.
2. On page 5, line 17, strike the comma and show as stricken.
3. In the title, line 3, insert ", 60-1609.01, 60-1611 to 60-1613, 60-1801," after "60-302"; strike line 5 and insert "77-1240, 77-1241,"; in line 15 insert "60-1601, 60-1601.01," after "sections", strike "and", and at the end of the line insert "and 77-1240.02,"; in line 17 strike the second "and" and at the end of the line insert "77-1239.03, 77-1239.04, 77-1240.05, and 77-1240.06,".

LEGISLATIVE BILL 168A. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. H. Peterson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 292. Title read. Considered.

Standing Committee amendments found in the Journal on page 841 for the Forty-First Day were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 292A. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 479. Title read. Considered.

Standing Committee amendment found in the Journal on page 866 for the Forty-First Day was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Cullan asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MR. CLARK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 466. Title read. Considered.

Standing Committee amendments, Req. No. 2153, found in the Journal on page 888 for the Forty-Second Day were considered.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 and not voting.

The Standing Committee amendments were adopted with 26 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mrs. Marsh moved to indefinitely postpone LB 466.

Mrs. Marsh requested a record vote.

Voting in the affirmative, 4:

Chambers
Goll
Landis
Marsh

Voting in the negative, 33:

Barrett
Chronister
Goodrich
Kilgarin
Marvel
Schmit
Warner
Beutler
Cope
Hefner
Koch
Newell
Sieck
Wesely
Beyer
Dworak
Higgins
Labedz
Peterson, R.
Stoney
Wiitala
Burrows
Fenger
Johnson, L.
Lamb
Remmers
Von Minden
Carsten
Fitzgerald
Kahle
Maresh
Rumery
Wagner

Present and not voting, 7:

Clark
Nichol
Haberman
Vickers
Hoagland
Johnson, V.
Kremer

Excused and not voting, 5:

Cullan DeCamp Fowler Peterson, H. Pirsch

The Marsh motion to indefinitely postpone lost with 4 ayes, 33 nays, 7 present and not voting, and 5 excused and not voting.

Laid over.

ANNOUNCEMENT

Mr. Schmit announced the Agriculture and Environment Committee will meet in executive session March 31, 1981, at 8:30 a.m. in room 1105.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

Req. No. 2250

1. Strike original sections 1, 2, 6, 9 to 11, and 13.

2. Insert the following new sections:

“Section 1. There is hereby created a special fund to be known as the Political Subdivision Property Tax Relief Fund. It is the intent of the Legislature to appropriate money to such fund in amounts for the years specified as follows:

(1) For fiscal year 1980-81, seventy million dollars;

(2) For fiscal year 1981-82, fifty million dollars;

(3) For fiscal year 1982-83, thirty-five million dollars, and

(4) For fiscal year 1983-84, twenty million dollars.

Sec. 7. That section 79-1332, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1332. There is hereby established in the state treasury a special fund to be known as the School Foundation and Equalization Fund. Such fund shall consist of an amount equal to:

(1) For fiscal year 1981-82, one hundred fifteen million dollars;

(2) For fiscal year 1982-83, the total of a one per cent state sales tax added to two per cent of the

aggregate adjusted federal income tax liability for residents of Nebraska;

(3) For fiscal year 1983-84, the total of a one per cent state sales tax added to four per cent of the aggregate adjusted federal income tax liability for residents of Nebraska;

(4) For fiscal year 1984-85, the total of a one per cent state sales tax added to six per cent of the aggregate adjusted federal income tax liability for residents of Nebraska;

(5) For fiscal year 1985-86, the total of a one per cent state sales tax added to eight per cent of the aggregate adjusted federal income tax liability for residents of Nebraska;

(6) For fiscal year 1986-87, the total of a one and one half per cent state sales tax added to eight per cent of the aggregate adjusted federal income tax liability for residents of Nebraska; and

(7) For fiscal year 1987-88 and each subsequent year, the total of a one and one half per cent state sales tax added to ten per cent of the aggregate adjusted federal income tax liability for residents of Nebraska.

Such fund shall be administered by the State Board of Education. For fiscal year 1982-83 sixty per cent of the fund shall be expended to fund section 79-1334 and the balance shall be expended first to fully fund section 79-1340 and second section 79-1339. For the five fiscal years following fiscal year 1982-83 the percentage of the fund expended to fund section 79-1334 shall be increased by two per cent per year with the balance each year expended first to fully fund section 79-1340 and second section 79-1339. For fiscal years after 1987-88 the percentage of the fund expended to fund section 79-1334 shall be seventy per cent with the balance expended in the same manner as in fiscal year 1987-88. ~~Such fund shall consist of such sums as the Legislature may appropriate, and shall be administered by the State Board of Education.~~

Any money in the School Foundation and Equalization Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 77-1259.

Sec. 8. That section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,132. (1) There is hereby created a fund to be designated Tax Refund Fund which shall be set apart and maintained by the State Treasurer for prompt payments of all tax refunds under the provisions of sections 66-461, 77-2106, and 77-2701 to 77-27,135. Such fund shall be in such amount as the State Treasurer, with the advice of the Tax Commissioner, shall determine is necessary to meet current refunding requirements under the provisions of sections 66-461, 77-2106, and 77-2701 to 77-27,135. Any money in the Tax Refund Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under the provisions of sections 77-2701 to 77-27,135. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the aforementioned bank and of the amounts so deposited the State Treasurer shall (a) first credit to the Tax Refund Fund such amounts as are necessary to maintain such Tax Refund Fund at the level required by subsection (1) of this section, (b) second credit such amounts as are necessary to maintain the School Foundation and Equalization Fund, and ~~(b)~~ (c) then credit to the Highway Allocation Fund all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers. The balance of the amounts so paid shall be credited to the General Fund.

Sec. 9. Sections 1 to 6 of this act shall terminate on June 30, 1984.

Sec. 10. That original sections 77-27,132 and 79-1332, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3424 and 77-3425, Revised Statutes Supplement, 1980, and also sections 77-1204 and 77-1205, Reissue Reivsed Statutes of Nebraska, 1943, are repealed.".

3. On page 4, line 21, strike "4" and insert "3".

4. Renumber original sections 3, 4, 5, 7, 8, 12, and 14 as sections 2 to 6, 11, and 12, respectively.

MOTION - Print in Journal

Mr. Hoagland moved to reconsider the body's action in the indefinite postponement of LB 111.

Laid over.

ADJOURNMENT

At 4:07 p.m., on a motion by Mrs. Labedz, the Legislature adjourned until 9:00 a.m., Tuesday, March 31, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - MARCH 31, 1981

LEGISLATIVE JOURNAL

FIFTY-FOURTH DAY - MARCH 31, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 31, 1981

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Father Henry Burton, Holy Trinity Episcopal Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Miss Kilgarin, Messrs. Chambers, and Fowler who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Third Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 329. Placed on Select File as amended.
E & R amendment to LB 329:
1. On page 4, lines 15 and 16, strike "this regulation" and insert "sections 44-3601 to 44-3611".

LEGISLATIVE BILL 333. Placed on Select File as amended.
E & R amendment to LB 333:
1. On page 9, line 6, insert "transporters or" after "milk"; and in lines 6 and 7, strike "under the Nebraska Pasteurized Milk Law".

LEGISLATIVE BILL 483. Placed on Select File.
LEGISLATIVE BILL 407. Placed on Select File.
LEGISLATIVE BILL 427. Placed on Select File.

LEGISLATIVE BILL 427A. Placed on Select File.

LEGISLATIVE BILL 157. Placed on Select File.

LEGISLATIVE BILL 157A. Placed on Select File.

LEGISLATIVE BILL 200. Placed on Select File.
LEGISLATIVE BILL 371. Placed on Select File.
LEGISLATIVE BILL 280. Placed on Select File.
LEGISLATIVE BILL 536. Placed on Select File.
LEGISLATIVE BILL 158. Placed on Select File.
LEGISLATIVE BILL 330. Placed on Select File.

LEGISLATIVE BILL 58. Placed on Select File as amended.
E & R amendment to LB 58:

1. In committee amendments, page 1, lines 7 and 10, strike "That such" and insert "Such"; in line 13, strike "That it" and insert "It"; and in line 26, strike the comma.

LEGISLATIVE BILL 491. Placed on Select File.

LEGISLATIVE BILL 283. Placed on Select File as amended.
E & R amendment to LB 283:

In the title, line 3, strike "and 21-1405" and insert "21-1405, and 21-1406".

LEGISLATIVE BILL 87. Placed on Select File.

LEGISLATIVE BILL 437. Placed on Select File as amended.
E & R amendment to LB 437:

1. In the title, line 3, insert "speed limitation" after "of".

(Signed) Karen Kilgarin, Chairperson

MOTION - Print in Journal

Mrs. Pirsch and Mr. DeCamp moved pursuant to Rule 7, section 7(a), to reconsider the action taken to indefinitely postpone LB 258 on March 30, 1981.

Laid over.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 47.

A BILL FOR AN ACT to amend sections 60-2401 and 60-2402, Revised Statutes Supplement, 1980, relating to motor vehicles; to change provisions relating to restricted parking lots; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Barrett	Beutler	Beyer	Burrows	Carsten
Chronister	Clark	Cope	Cullan	DeCamp
Dworak	Fenger	Fitzgerald	Goll	Goodrich
Haberman	Hefner	Higgins	Hoagland	Johnson, L.
Kahle	Koch	Kremer	Labedz	Lamb
Landis	Maresh	Marsh	Marvel	Newell
Nichol	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rumery	Schmit	Sieck	Stoney	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Johnson, V.

Excused and not voting, 3:

Chambers	Fowler	Kilgarin

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 56 to Select File

Mr. Cullan moved to return LB 56 to Select File for the following specific amendment:

(Final Reading Copy)

1. On page 2, line 13, after "withdraw" insert "a total of".

2. On page 3, line 5, strike "and"; after line 5 insert a new subdivision as follows:

"(d) The date when the applicant expects to first use the ground water; and"; and in line 6 strike "(d)" and insert "(e)".

3. On page 4, strike beginning with "If" in line 4 through "the" in line 8 and insert "The"; in line 9 strike "each such" and insert "any", and after "user" insert "of water"; and in line 17 after the period insert "Nothing in this section shall be construed to limit any power of eminent domain possessed by an applicant.".

4. On page 6, line 3, strike "be revoked"; strike beginning with the comma in line 5 through "that" in line 6; in line 7 strike "The" and insert "Be revoked if the director determines that the"; in line 11 strike "The" and insert "Be revoked or suspended for a definite period of time if the director determines that the", and strike "withdraws" and insert "has withdrawn"; and in line 13 strike "The" and insert "Be revoked or suspended for a definite period of time if the director determines that the", and strike "violates" and insert "has violated".

The motion to return to Select File for a specific amendment prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 56. The Cullan specific amendment found in this day's Journal was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 56 to Select File

Mr. Beutler moved to return LB 56 to Select File for the following specific amendment:

(FINAL READING COPY)

1. On page 2, line 12, before "After" insert "(1)"; in line 18 before "as" insert "(2)" and paragraph beginning with the inserted "(2)"; in line 19 after the underscored comma insert "(a)"; in line 20 after the second underscored comma insert "irrigation,"; and in

line 21 after "water" insert ", and (6) person shall include an entity owning or managing an irrigation operation, regardless of the manner or form of ownership of individual parcels of land, but shall not include a public water supplier, as defined in section 46-638, which has been granted a permit pursuant to sections 46-638 to 46-650".

Mr. Kremer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The motion to return to Select File for a specific amendment lost with 13 ayes, 28 nays, 7 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 84.

A BILL FOR AN ACT to amend section 33-106, Reissue Revised Statutes of Nebraska, 1943, relating to fees; to change certain fees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Barrett Beutler Beyer Burrows Carsten
Chronister Clark Cope Cullan DeCamp
Dworak Fenger Fitzgerald Goll Goodrich
Haberman Hefner Higgins Hoagland Johnson, L.
Johnson, V. Kahle Kilgarin Koch Kremer
Labedz Lamb Landis Maresh Marsh
Marvel Newell Nichol Peterson, H. Peterson, R.
Pirsch Remmers Rumery Schmit Sieck
Stoney Vickers Von Minden Wagner Warner
Wesely Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Fowler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 151.

A BILL FOR AN ACT relating to property tax exemptions; to provide an exemption for improvements designed primarily for energy conservation; to define terms; to provide procedures for claiming and reviewing exemptions; and to prescribe certain duties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Burrows
Carsten
Chambers
Clark
Cope
DeCamp
Dworak
Fitzgerald
Goodrich
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Newell
Pirsch
Rumery
Stoney
Von Minden
Wesely
Wiitala

Voting in the negative, 21:

Barrett
Beutler
Beyer
Chronister
Cullan
Fenger
Goll
Haberman
Johnson, L.
Kremer
Lamb
Maresh
Nichol
Peterson, H.
Peterson, R.
Remmers
Schmit
Sieck
Vickers
Wagner
Warner

Excused and not voting, 1:

Fowler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LLEGISLATIVE BILL 220. With Emergency.

A BILL FOR AN ACT to amend section 17-953, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the second class and villages; to make an exception from election requirements for certain projects; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Landis

Present and not voting, 1:

Beutler

Excused and not voting, 1:

Fowler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 313.

A BILL FOR AN ACT to amend sections 10-717 and 10-718, Reissue Revised Statutes of Nebraska, 1943, relating to school district bonds; to authorize the issuance of refunding bonds as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Barrett	Beutler	Beyer	Burrows	Carsten
Chambers	Chronister	Clark	Cope	Cullan
DeCamp	Dworak	Fenger	Fitzgerald	Goll
Goodrich	Haberman	Hefner	Higgins	Hoagland
Johnson, L.	Johnson, V.	Kahle	Kilgarin	Koch
Kremer	Labedz	Lamb	Landis	Maresh
Marsh	Marvel	Newell	Nichol	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rumery	Schmit
Sieck	Stoney	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 0.

Excused and not voting, 1:

Fowler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION

LEGISLATIVE RESOLUTION 49.

Introduced by Sieck, 24th District.

WHEREAS, the annual selection of the Miss Nebraska-USA representation is highly competitive; and

WHEREAS, the contestants are judged in beauty and vitality, perception of current events, grooming and poise, impromptu speaking, personal statements, evening gown review and individual interviews; and

WHEREAS, Miss LaDonna Hill, daughter of Mr. and Mrs. H. W. Hill of Seward, who is currently a junior at Kearney State College, was recently crowned Miss Nebraska; and

WHEREAS, Miss Hill is deserving of special recognition.

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Legislature congratulates Miss LaDonna Hill of Seward for being crowned Miss Nebraska, and wishes her the best of luck in the upcoming Miss USA pageant.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 17 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1. On page 5, line 21, strike "or primary" and insert ", primary, or special".

SPEAKER MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 245. E & R amendments found in the Journal on page 1005 for the Forty- Seventh Day were adopted.

Mr. Beutler offered the following amendment:

1. On page one, line 13, strike "an estimated" and insert "at least"; in line 14, strike beginning after "million" through "ninety-four" in line 15.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Beutler requested a record vote.

Voting in the affirmative, 12:

Beutler
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Stoney
Warner
Wesely
Wiitala

Voting in the negative, 24:

Beyer
Burrows
Carsten
Chronister
Clark
Cullan
Fitzgerald
Goll
Goodrich
Haberman
Higgins
Johnson, L.
Kahle
Kremer
Lamb
Maresh
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Wagner

Present and not voting, 12:

Barrett
Chambers
Cope
DeCamp
Dworak
Fenger
Hefner
Labedz
Marvel
Pirsch
Vickers
Von Minden

Excused and not voting, 1:

Fowler

The Beutler amendment lost with 12 ayes, 24 nays, 12 present and not voting, and 1 excused and not voting.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Schmit and V. Johnson asked unanimous consent to print the following amendment to LB 167 in the Journal. No objections. So ordered.

Req. No. 2237

1. Insert the following new sections:

"Sec. 31. That section 42-358.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-358.02. All delinquent permanent child support payments shall draw interest at the rate ~~of nine per cent per annum~~ specified in section 1 of this act, as such rate may from time to time be adjusted by the Legislature, from the date they become delinquent, and the interest shall be collected the same as the support payments upon which the interest accrues.

Sec. 32. That section 45-103, Revised Statutes Supplement, 1980, be amended to read as follows:

45-103. Interest on all decrees and judgments for the payment of money shall be from the date of the rendition thereof at the rate ~~of twelve dollars for the period commencing on March 19, 1980, through August 31~~, ~~1983, and at the rate of eight dollars commencing on September 1, 1983, upon each one hundred dollars~~ annually specified in section 1 of this act, as such rate may from time to time be adjusted by the Legislature until the same shall be paid; Provided, if ~~said~~ such judgment or decree shall be founded upon any contract, either verbal or written, by the terms of which a greater rate of interest, not exceeding the amount allowed by law, than ~~twelve per cent for the period commencing on March 19~~, ~~1980, through August 31, 1983, and then eight per cent per annum commencing on September 1, 1983~~ the rate specified in section 1 of this act, as such rate may from time to time be adjusted by the Legislature, shall have been agreed upon, the rate of interest upon such judgment or decree shall be the same as provided for by the terms of the contract upon which the same was founded.".

2. On page 41, line 1, after "39-1647," insert "42-358.02,"; and in line 5 before "57-919," insert "45-103,".

3. Strike committee amendment 5.

4. Renumber remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 44 in the Journal. No objections. So ordered.

1. In the committee amendments on page 5, line 9, strike "take possession" and insert "place restrictions on the disposition"; and in line 10 after the period insert "Any person claiming an ownership interest in property received by a pawnbroker for which a reasonable belief exists that such property has been stolen may recover such property as provided by sections 25-1093 to 25-10,110.".

2. Strike the Wesely amendment beginning on page 1170 of the Journal.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 378. Placed on General File.

LEGISLATIVE BILL 499. Placed on General File as amended.
Standing Committee amendments to LB 499:
Req. No. 2252

1. On page 2, line 12, strike "25" and insert "24".

2. On page 3, strike beginning with "or" in line 10 through "act" in line 11; in line 15 strike "or other" and insert ", any"; and in line 18 after "citizens" insert ", or any intermediate care facility for the mentally retarded".

3. On page 4, line 4, strike "from" and insert ". This may include"; and in line 22 after "include" and insert ", but not be limited to".

4. Strike original section 12.

5. On page 5, line 14, strike "and"; and in line 15 strike "certified".

6. On page 6, in line 11 after "the" insert "person appointed by the court pursuant to section 25 of this act from the following group of people, the"; in line 20 strike "such" and insert "the"; in lines 20 and

21 strike "and" and insert "or"; and in line 22 strike "all other interested persons" and insert "the client's parents and guardian, if any".

7. On page 7, line 1, strike "all other interested persons" and insert "the client's parents and guardian, if any,"; in line 2 after the period insert "The client's parents and guardian shall have the right to intervene in placement and habilitation proceedings and to appeal final orders from such proceedings."; and in line 5 after "areas" insert "for the facility in which the client resides".

8. On page 10, line 4, after "shall" insert "(1) set a date for the hearing on the petition and (2)".

9. On page 11, line 3 after "is" insert "in"; in line 6, strike "appropriate"; in line 7 after "region" insert "in which the client resides", and strike "five" and insert "ten"; in line 13 strike "when" and insert "if"; in line 14 after "client" insert "within ninety days"; in line 17 strike "does or"; and in line 19 after "needs" insert "or that such services cannot be made available to the client within ninety days".

10. Insert the following new section:

"Sec. 29. If the executive director of the appropriate community-based mental retardation region has certified that the region does have, or within a reasonable period of time will have, available to the client the programs and services required by such client's needs then the court shall dismiss the proceeding.".

11. On page 12, line 2, strike "does or" and after "have" insert "community-based"; in line 3 after "needs" insert "or that such programs or services cannot be made available within ninety days"; in line 18 after "hours" insert "per day"; and in line 27 after "regional" insert "community-based".

12. On page 13, line 17 strike "after six months"; strike beginning with the second "or" in line 19 through "program" in line 20; in line 23 strike the comma and insert "and"; in line 24 strike ", and all other interested persons"; in line 26 strike beginning with the first "transfer" through the second "transfer" and insert "discharge"; and in line 27 strike the comma.

13. On page 14, line 2, strike the comma and insert "and"; and in line 3 strike ", and all other interested persons".

14. On page 15, line 11, strike the comma and insert "and"; and in line 12 strike ", and all other interested persons".

15. On page 16, line 8, strike "27" and insert "26".

16. On page 17, strike beginning with "Beatrice" in line 8 through "Center" in line 9 and insert "facility"; and strike beginning with "Beatrice" in line 12 through "Center" in line 13 and insert "facility".

17. On page 18, line 2, strike "criminal" and insert "civil".

18. On page 20, line 3, after "of" insert "sections 1 to 39 of"; strike beginning with "the" in line 17 through "Center" in line 18, show as stricken, and insert "a facility, as defined in section 8 of this act"; and in lines 22 and 23 strike "twenty years", show as stricken, and insert "age of majority as established by section 38-101, as such section may from time to time be amended by the Legislature"; and in line 24 strike "twenty years", show as stricken, and insert "majority".

19. On page 22, line 22, strike "twenty years of age", show as stricken, and insert "the age of majority".

20. Renumber original sections 13 to 29 as sections 12 to 28, respectively.

LEGISLATIVE BILL 270. Placed on General File as amended. Standing Committee amendments to LB 270:

1. On page 2, line 4, strike "No", show as stricken, and insert "(1) Except as provided in subsection (2) of this section for family day care providers, no"; in line 5 strike the new matter and reinstate the stricken matter; and after line 17 insert:

"(2) A family day care provider who furnishes, or offers to furnish, child care for six or more children shall have a written license as provided in subsection (1) of this section. Except as otherwise provided in subsection (3) of this section a family day care provider who furnishes, or offers to furnish, child care for less than six children shall not be required to have a license. For purposes of this section family day care provider shall mean any person providing child care for compensation in a private home, but shall not include foster homes.

(3) A county board of commissioners or supervisors may require licensure of family day care providers who provide services to less than six children. When a license is required for less than six children, the license shall be issued and enforced by the county. Notwithstanding licensure under this subsection, all rules and regulations promulgated under subsection (1) of this section shall apply.".

LEGISLATIVE BILL 212. Placed on General File as amended. Standing Committee amendments to LB 212:

1. On page 2, line 4, strike "State Board" and insert "Department"; in line 7 strike "medical doctors,"; in line 8 strike "osteopaths, and dentists"; in line 9 strike "State Board" and insert "Department", and after "Health" insert "upon its request, at least once a year,"; in line 12 strike "board" and insert "department" and after the period insert "Any medical doctor, osteopath, or dentist within the state may make such information available to the board upon request by the board."; and strike line 19 and insert the following:

"(1) Cancer registry shall mean the system of reporting established by this act in which the cases of cancer in this state are reported and recorded in order to achieve the goals of prevention, cure, and control of cancer through research and education;".

2. On page 3, line 4, strike "superficial skin cancer" and insert "benign tumors"; in lines 5 and 8 strike "board" and insert "department"; in line 11 after "implement" insert "the intent and purposes of"; in lines 12 and 16 strike "board" and insert "department"; in line 15 strike "required to be"; and in line 26 strike "federal", after "funds" insert "or grants", and after the semicolon insert "and".

3. On page 4, strike lines 1 and 2; in line 3 strike "(7)" and insert "(6)" and after "professionals" insert "and hospital tumor registry and medical records representatives"; in line 4 after the second "the" insert "cancer registry", after "program" insert a period, and strike "for the"; strike line 5; in lines 6 and 9 strike "board" and insert "department"; in line 7, after "hospital" insert "within the state shall", and after the second comma insert "and each"; in line 8 strike "shall:" and insert "may,"; in line 9 strike "(a) Produce" and insert "produce" and remove paragraphing; in line 10 strike "on a form" and insert "in a manner"; in line 11, strike "board" and insert "department"; in line 14 strike "; or" and insert a period; strike lines 15 through 20; in line 21 strike "required to be"; and in line 23, strike "name, address, and" and insert "locality and available".

4. On page 5, line 11, strike "and board"; in line 12 strike "board" and insert "department"; and in line 27 strike "by" and insert "or requested pursuant to".

5. On page 6, line 3, strike "board" and insert "department"; and in line 4, after the period insert "No

patient nor patient's family shall be contacted by the department or its authorized representative for information pursuant to this act until the department obtains the permission of such patient's private physician.".

6. Insert the following new section:

"Sec. 9. The department shall annually report to the Legislature's Public Health and Welfare Committee with the documentation on the operation and performance of the cancer registry program established pursuant to this act.".

LEGISLATIVE BILL 404. Placed on General File as amended.
Standing Committee amendments to LB 404:

1. Strike original section 3.

2. On page 4, line 15, strike "6 to 9" and insert "5 to 11"; in line 19 strike "11" and insert "13"; in line 21 strike "the Department on"; and in line 22 strike "12" and insert "14".

3. On page 5, line 15, after "approve" insert "or disapprove".

4. Insert new sections as follows:

"Sec. 9. Area program plan shall mean the document submitted to the department by an area agency on aging in order to receive funds under this act and under the Older Americans Act, as amended, which details the area agency's plan for a comprehensive, coordinated program of community aging services for such area.

Sec. 10. Community aging services shall mean those activities and services which fulfill the goals of this act and which are necessary to promote, restore, or support senior citizen self-sufficiency and independence, which include (1) congregate activities including, but not limited to, senior centers, group meals, volunteerism, adult day-care, and recreation, and (2) individual services, which may include but shall not be limited to, specialized transportation, meals-on-wheels, home handyman, home health care, legal services, and counseling that relate to problems of aging or encourage access to aging services.

Sec. 11. Senior service center shall mean a senior center or other community facility that provides ready access to a broad range of community aging services.".

5. On page 6, line 5, strike "cooperte" and insert "cooperate"; and in line 17 after "areas" insert "as provided in section 71-5002".

6. On page 7, line 4, strike "20" and insert "21".

7. On page 8, line 5, strike "the Department on".

8. Strike original section 13.

9. On page 9, line 7 strike "in" and insert "pursuant to subdivision (6) of"; strike beginning with "may" in line 8 through "agency" in line 18 and insert "shall designate, to perform the functions of an area agency on aging, any office or agency having the necessary authority and capacity which is".

10. On page 10, strike lines 12 through 15; in line 16 strike "(2)" and insert "(1)"; in line 18 strike "(3)" and insert "(2)"; and in line 20 strike "(4)" and insert "(3)".

11. On page 11, strike beginning with "Such" in line 18 through line 20.

12. On page 12, line 21, strike "or class".

13. On page 13, line 12 strike beginning with "based" through "act"; in line 15 strike "eighty-four" and insert "seventy-five"; and in line 17 strike "20" and insert "21".

14. On page 14, line 5 strike "22" and insert "23"; in line 8 strike "sixteen" and insert "twenty-five"; and strike beginning with voluntary" in line 10 through "income" in line 11 and insert "donations, and fees".

15. Insert a new section as follows:

"Sec. 28. The Director of Aging shall select a qualified administrator to serve as the executive officer for the administration of each area agency on aging. The executive officer for each area agency on aging shall employ adequate staff for carrying out the area program plan. Each governing board for an area agency on aging shall submit to the Director of Aging a list of nominees for the position of executive officer for the area agency on aging. The director shall select the executive officer from the list submitted by the governing board. The selection shall be confirmed by a majority of the members of the Nebraska Commission on Aging. The area agency on aging executive officer shall be subject to removal by the Nebraska Commission on Aging.".

16. Renumber original sections 4 to 9, 10 to 12, and 14 to 26 as sections 3 to 8, 12 to 14, 15 to 27, respectively.

LEGISLATIVE BILL 522. Placed on General File as amended.
Standing Committee amendments to LB 522:

1. Strike original sections 19 to 24.

2. On page 27, strike beginning with "general" in line 8 through the first comma in line 9.

3. On page 32, strike beginning with "ten" in line 17 through "1982" in line 18, show the old matter as stricken, and insert "(1) fourteen per cent commencing July 1, 1981, (2) twelve per cent commencing July 1, 1982, (3) ten per cent commencing July 1, 1983, (4) eight per cent commencing July 1, 1984, (5) six per cent commencing July 1, 1985, (6) four per cent commencing July 1, 1986, and (7) two per cent commencing July 1, 1987"; in line 19 strike "1982" and insert "1988".

4. Insert the following new section:

"Sec. 39. The Director of Public Welfare shall not close any office of public welfare or multi-county office of public welfare existing on the effective date of this act, except with the approval of the governing body of each affected county.".

5. On page 34, line 9, strike "42, 45, and 47" and insert "36, 40, and 42"; in line 12 strike "1982" and insert "1983"; strike beginning with "68-103" in line 15 through the second comma in line 16; and in line 22 strike "68-109" and insert "68-108".

6. Renumber original sections 25 to 44 as sections 19 to 38 and original sections 45 to 48 as sections 40 to 43, respectively.

(Signed) Samuel K. Cullan, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 245. Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1145. No objections. So ordered.

Messrs. DeCamp, Schmit, and Warner renewed their pending amendment found in the Journal on page 1156.

Mr. Schmit asked unanimous consent to withdraw his name from the pending amendment. No objections. So ordered.

MR. CLARK PRESIDING

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Stoney requested a roll call vote on the DeCamp-Warner amendment.

Voting in the affirmative, 22:

Beutler
Beyer
Chambers
Cope
DeCamp
Dworak
Fenger
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Marvel
Newell
Pirsch
Sieck
Stoney
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 21:

Carsten
Chronister
Fitzgerald
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Maresh
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Von Minden
Wagner

Present and not voting, 3:

Burrows
Clark
Goodrich

Excused and not voting, 3:

Barrett
Cullan
Fowler

The DeCamp-Warner pending amendment lost with 22 ayes, 21 nays, 3 present and not voting, and 3 excused and not voting.

Messrs. Lamb, Kremer, and Kahle asked unanimous consent to withdraw their pending amendment found in the Journal on page 1162. No objections. So ordered.

Messrs. Schmit, Lamb, Kahle, and Kremer offered the following amendment:
1. Insert the following new section: "Sections 85-180.01 to 85-180.06 and sections 1 and 3 to 5 of this act shall terminate on December 31, 1983, if, by such date, the federal funds required by section 85-180.05 have not

been made available and agreements authorized by section 85-180.01, have not been made with at least two other states."

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 20 nays, and 5 not voting.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Schmit-Lamb-Kahle-Kremer amendment was adopted with 26 ayes, 5 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Koch renewed his pending amendment found in the Journal on page 999.

Amendment pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 266A. By Wesely, 26th District.
This bill introduced on behalf of: LB 266.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 266, Eighty-seventh Legislature, First Session, 1981.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 197, 197A, 290, 291, 311, and 355.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 290

The following changes, required to be reported for publication in the Journal, have been made:

In the Haberman amendments, page 22, line 2, "1982" has been stricken and "1983" inserted to conform with the Warner amendment; at the end of line 15, page 3, "Beginning with the renewal tabs issued in the year 1984, only one tab shall be issued." has been inserted; and in the title (a) in line 2, strike "section 60-311," and "sections 60-311.02, 60-311.13, 60-311.16, 60-311.21, 60-315.01, and 60-324, Reissue Revised Statutes of Nebraska, 1943, and sections 60-310, 60-311, 60-311.05, 60-311.14, 60-315, 60-320, and 60-323," has been inserted; (b) "to provide for only one license plate for each vehicle;" has been inserted following the E & R amendment to 4; and in line 5 "section" has been changed to "sections".

The following action, required to be reported for publication in the Journal, has been taken:

1. REQ 2236 has been used to comply with the DeCamp amendment to merge LB 426 into LB 355.
2. In REQ 2236 (a) an underscored comma has been inserted on page 16, line 16, after "method"; and (b) paragraphing has been supplied to the new matter commencing on page 35, line 27, to reflect SC amendment 14.
3. Underscoring and a period have been supplied to the new sentence added by the Hoagland-Kilgarin amendment, which has been inserted into REQ 2236 at the end of line 27, page 53.

Enrollment and Review Changes to LB 17

The following changes, required to be reported for publication in the Journal, have been made:

On page 5, line 23, "or" has been substituted for the first comma and ", or" has been stricken.

(Signed) Emory P. Burnett
E & R Attorney

VISITORS

Visitors to the Chamber were 12 students and principal from Reedemer Lutheran School, Staplehurst; Representatives of the Tri Diocesan Council of Catholic Women from all parts of the state; and 25 students and teacher from Lindsey; Harry Knecht, Bonnie Dzingle, and Elaine Reiter from Loup City.

RECESS

At 12:01 p.m., on a motion by Mr. Von Minden, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:37 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Chronister, Fowler, Hoagland, Nichol, and Warner, and Mesdames Labedz and Pirsch who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 245. Mr. Koch renewed his pending amendment found in the Journal on page 999.

Mr. Koch asked unanimous consent to withdraw his pending amendment found in the Journal on page 999. No objections. So ordered.

Advanced to E & R for Engrossment with 27 ayes, 7 nays, 7 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 245A. Mr. Dworak requested a machine vote.

Advanced to E & R for Engrossment with 28 ayes, 9 nays, 5 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 284. Title read. Considered.

Standing Committee amendments found in the Journal on page 766 for the Thirty-Seventh Day were considered.

Mrs. Marsh requested a division of the question on the Standing Committee amendments.

The Chair sustained the division.

The first amendment is as follows:
Strike original sections 6 to 11.
On page 7, strike beginning with "original" in line 20 through line 21.
Remove all underscoring.
Renumber original sections 12 to 14 as sections 6 to 8, respectively.

The first part of the Standing Committee amendments were adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

The second amendment is as follows:

On page 2, line 20, after the period, insert "For fiscal year 1980-81, it is the intent of the Legislature to also appropriate to the fund an amount approximately equal to the amount of interest income earned by the state on any monthly payments not made pursuant to the schedule in section 3 of this act prior to the initial payment made following the effective date of this act.".

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

The second part of the Standing Committee amendment was adopted with 25 ayes, 14 nays, 9 present and not voting, and 1 excused and not voting.

Mr. V. Johnson asked unanimous consent to withdraw the Fowler - Newell - Wiitala - V. Johnson - Beutler pending amendment found in the Journal on page 1137. No objections. So ordered.

Mr. Koch asked unanimous consent to withdraw his pending amendment found in the Journal on page 1133. No objections. So ordered.

Mr. Newell asked unanimous consent to withdraw the pending amendments found in the Journal on page 1175. No objections. So ordered.

Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 1198. No objections. So ordered.

Mr. Schmit offered the following amendment to LB 284:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. No. 2262.)

MR. CLARK PRESIDING

The Schmit amendment was adopted with 28 ayes, 7 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 35 ayes, 1 nay, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 284A. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

SPEAKER MARVEL PRESIDING

EXPLANATION OF VOTE

Had I been present, I would have voted for LB 245E and 245A.

(Signed) Bernice Labedz

RESOLUTION

LEGISLATIVE RESOLUTION 50.

Introduced by Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Burrows, 30th District; Carsten, 2nd District; Chronister, 18th District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; Dworak, 22nd District; Fenger, 45th District; Fitzgerald, 14th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; Johnson, L., 15th District; Johnson, V., 8th District; Kahle, 37th District; Kilgarin, 7th District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Newell, 13th District; Nichol, 48th District; Peterson, H., 35th District, Peterson, R., 21st District; Pirsch, 10th District; Remmers, 1st District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Stoney, 4th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Wiitala, 31st District.

WHEREAS, Ronald Reagan began the term of President of the United States less than three months ago and recently began implementing his new policies; and

WHEREAS, on March 30, 1981, in Washington, D. C., President Ronald Reagan was shot and wounded along with his press secretary, James S. Brady, Secret Service agent Timothy J. McCarthy, and police officer Thomas Delahanty; and

WHEREAS, President Ronald Reagan is presently recovering from his gunshot wound and is showing excellent signs for a complete recovery; and

WHEREAS, the American people again must endure the shock and distress resulting from an attempted presidential assassination.

NOW, THERE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the members of the Legislature, along with the citizens of the State of Nebraska, hereby express their sincere wishes for a complete and swift recovery to President Reagan and the others who were wounded and further express the hope that they will promptly and fully be restored to good health.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 61
March 30, 1981

Dear Senator Marsh:

This is in response to your letter of March 26, 1981, in which you ask our opinion concerning the validity of a present interpretation and application of the state sales and use tax laws, Neb.Rev.Stat. Sections 77-2702 through 77-2713 (Reissue 1976). Specifically you are concerned with the interpretation and application of that law, and a possible amendment to change that interpretation, which applies to the situation where two private individuals exchange automobiles and are in turn liable for sales tax on the entire amounts of their respective transactions without consideration for any "trade-in allowances."

This interpretation of the sales tax law is presently found in Nebraska Department of Revenue Regulation 1-29, enacted September 15, 1975, and limits the application of a trade-in allowance to transactions involving the receipt of such property by actual retailers involved in the business of selling such property, as opposed to exchanges of property between private individuals. This regulation is in turn based on Neb.Rev.Stat. Sections 77-2702(4)(c) (v) and 77-2702(15) (b) (v) (Reissue 1976), which define or provide that a trade-in allowance shall be "the value of tangible personal property taken by a seller in trade as all or part of the consideration for a sale of tangible personal property of any kind or nature." The definition of a seller is found in Neb.Rev. Stat. Sections 77-2702(16) (Reissue 1976), and is defined to include only individuals involved in the "business of selling, leasing, or renting tangible personal property." A strict interpretation of these statutes thus limits the application of the trade-in allowance to transactions involving actual retail sellers of tangible property, and excludes the sale of property between private individuals.

Transactions between private individuals are normally excluded from the application of the sales tax laws, except that the sale of an automobile by a private individual has specifically been included as a taxable transaction by Neb.Rev.Stat. Sections 77-2702(6) (a) (Reissue 1976). Neb.Rev.Stat. Section 77-2703(l) (j) (Reissue 1976), which provides for a sales tax on the sale of motor vehicles, makes no specific provision for the application of a trade-in allowance on sales between private individuals, and hence a strict application of all of the aforementioned statutes limits the application of the trade-in allowance to automobile sales involving an actual retailer. In this regard the Department's present interpretation and application of the sales and use tax laws is not inappropriate. Part of the underlying rational appears to be that the sales tax will eventually be collected on property taken as a trade-in and later resold by a dealer, which is not the case with an exchange of automobiles between private individuals.

This interpretation and application of the sales and use tax laws has been in effect with the Department of Revenue since January 1, 1971, when the first version of the Department's sales and use tax regulations were published. During this period of approximately ten years, the Legislature has made no attempt to change this administrative interpretation through subsequent legislation. Administrative construction of a statute by the department charged with its enforcement, especially if it has long been adhered to, is entitled to great weight in the judicial appraisal of the statute's meaning in Nebraska. This is especially true in instances where such construction has been left undisturbed through several successive legislative sessions. Mogis v. Lyman-Richey Sand and Gravel Corp., 189 F. 2d 130 (Neb. 1951).

It is thus our opinion that the present interpretation and application of the sales and use tax laws, as it concerns the exchange of automobiles between private individuals, is valid. It would therefore likely require a substantive legislative amendment to the existing sales and use tax laws, as you have indicated you wish to do, to alter the present administrative interpretation and application of these laws.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Cullan asked unanimous consent to print the following amendment to LB 437 in the Journal. No objections. So ordered.

1. Insert a new section as follows:

"Sec. 2. In any circumstances involving a railroad accident or the operation of a train in violation of state law or local ordinance, no engineer or other crew member of the train shall be required to furnish a motor vehicle operator's license to any state or local law enforcement officer, nor shall any citation involving the operation of a train be issued against the motor vehicle operator's license of the engineer or any other crew member of the train.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 181 in the Journal. No objections. So ordered.

1. On page 61, line 26, strike "may" and insert "that".
2. On page 62, line 1, strike ". Before" and insert "shall, before"; line 2, strike "the group"; line 3, strike "shall".

UNANIMOUS CONSENT - Member Excused

Mr. Cullan asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 40. Title read. Considered.

Mr. DeCamp offered the following amendment:
Strike the Committee amendments to LB 40.

MR. CLARK PRESIDING

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 6 nays, and 25 not voting.

Mr. Kremer asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

The DeCamp amendment was adopted with 28 ayes, 9 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 40.

Mr. Vickers moved to adjourn.

Mr. Vickers requested a record vote on the motion to adjourn.

Voting in the affirmative, 16:

Barrett Chambers Dworak Fenger Goll
Haberman Hefner Johnson, L. Landis Marsh
Marvel Nichol Peterson, H. Peterson, R. Vickers
Warner

Voting in the negative, 22:

Beyer Burrows Cope DeCamp Fitzgerald
Goodrich Higgins Hoagland Johnson, V. Kilgarin
Koch Labedz Lamb Maresh Newell
Pirsch Remmers Rumery Stoney Wagner
Wesely Wiitala

Present and not voting, 8:

Beutler Carsten Chronister Clark Kahle
Schmit Sieck Von Minden

Excused and not voting, 3:

Cullan Fowler Kremer

The motion to adjourn lost with 16 ayes, 22 nays, 8 present and not voting, and 3 excused and not voting.

Mr. Carsten asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 13:

Barrett Chambers Clark Dworak Goll
Higgins Lamb Landis Marsh Peterson, R.
Remmers Stoney Vickers

Voting in the negative, 27:

Beutler	Beyer	Burrows	Chronister	Cope
DeCamp	Fitzgerald	Goodrich	Hefner	Hoagland
Johnson, L.	Johnson, V.	Kahle	Kilgarin	Koch
Labedz	Maresh	Marvel	Newell	Peterson, H.
Pirsch	Rumery	Sieck	Von Minden	Wagner
Warner	Wiitala			

Present and not voting, 2:

Fenger	Wesely

Excused and not voting, 7:

Carsten	Cullan	Fowler	Haberman	Kremer
Nichol	Schmit			

The Chambers motion to indefinitely postpone LB 40 lost with 13 ayes, 27 nays, 2 present and not voting, and 7 excused and not voting.

Mr. Landis moved to adjourn. The motion lost with 18 ayes, 23 nays, 1 present and not voting, and 7 excused and not voting.

Mr. Chambers offered the following amendment:
Amend LB 40: on pages 3 and 4, reinstate stricken language

Speaker Marvel and Mr. Von Minden asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Amendment pending.

Mr. DeCamp moved to adjourn. The motion prevailed with 24 ayes, 2 nays, 14 present and not voting, and 9 excused and not voting.

ADJOURNMENT

At 4:49 p.m., on a motion by Mr. DeCamp, the Legislature adjourned until 9:00 a.m., Wednesday, April 1, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - APRIL 1, 1981

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 1, 1981

Pursuant to adjournment, the Legislature met at 9:09 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Sidney D. Ellis, Minister of Church of Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, Fowler, and V. Johnson who were excused; and Messrs. Cullan and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1221, after line 8, insert heading:

Enrollment and Review Changes to LB 355

The Journal for the Fifty-Fourth Day was approved as corrected.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 218. Placed on General File as amended.
Standing Committee amendments to LB 218:

1. On page 4, line 7, after "act" insert "for facilities which are not to be owned by the district following their completion".

2. Strike original section 3.

3. Insert a new section as follows:

"Sec. 3. Manufactured housing units, constructed or manufactured by any school district or technical community college area as a part of a buildings trade or other instructional program offered by such district or area shall be inspected by the local inspection authority.”.

4. On page 6, strike beginning with “section” in line 2 through “and” in line 3.

LEGISLATIVE BILL 370. Placed on General File as amended.
Standing Committee amendments to LB 370:
Req. No. 2193

1. Insert the following new sections:

“Section 1. That section 79-2803, Revised Statutes Supplement, 1980, be amended to read as follows:

79-2803. As used in sections 79-2801 to 79-2858, unless the context otherwise requires:

(1) Private vocational educational institution shall mean vocational technical, home study, business, or other school, or other organization or person, offering vocational credentials, or offering instruction or educational services for attainment of occupational objectives;

(2) Operate an educational institution shall mean to establish, keep, or maintain any facility or location in this state where, from, or through which education is offered or given for occupational objectives or educational credentials are offered or granted, and shall include contracting with any person, group, or entity to perform any such act;

(3) Authorization to operate shall mean approval of the board to operate or to contract to operate a private vocational educational institution in this state;

(4) Offer shall include, in addition to its usual meaning, advertising, publicizing, soliciting, or encouraging any person, directly or indirectly, in any form, to perform the act described;

(5) Grant shall mean awarding, selling, conferring, bestowing, or giving;

(6) Education or educational services shall mean, but not be limited to, any class, course, or program of vocational training, instruction, or study;

(7) Agent shall mean any person owning any interest in, employed by, or who regularly represents for remuneration, a private vocational educational institution within or outside this state who, by solicitation made in this state, enrolls or seeks to enroll a resident of this state for education offered by such institution, or offers to award educational credentials, for remuneration, on behalf of any such institution, or who holds himself or herself out to

residents of this state as representing a private vocational educational institution;

(8) Agent's permit shall mean a nontransferable written authorization issued to a natural person by the board which allows that person to solicit or enroll any resident of this state for education in a private vocational educational institution;

(9) Entity shall include, but not be limited to, any company, firm, society, association, partnership, corporation, or trust; ~~and~~

(10) Board shall mean the State Board of Education; and~~.~~

(11) Branch facility shall mean an additional facility operated by a private vocational educational institution at a location within this state other than at the principal facility of such institution, when:

(a) The curriculum offered at such additional facility is substantially the same as the curriculum offered at the principal facility;

(b) The ownership, management, and control of each such additional facility is the same as the principal facility, except as otherwise provided in section 79-2812;

(c) The number of tuition paid students enrolled at each such additional facility does not exceed thirty per class; and

(d) Tuition and other charges incurred by a student for all courses at each such additional facility does not exceed one hundred fifty dollars in any twelve-month period.

Sec. 3. That section 79-2812, Revised Statutes Supplement, 1980, be amended to read as follows:

79-2812. Each private vocational educational institution desiring to operate in this state shall make application to the board upon forms to be provided by the board. The application shall be accompanied by descriptive literature published, or proposed to be published by the institution, containing the information specified in subdivision (4) of section 79-2808, including information required by rules and regulations of the board. The application shall include the identification of any branch facility. An additional facility which does not meet the criteria provided in subdivision (11) of section 79-2803 shall be considered a separate private vocational educational institution requiring separate authorization. Any facility at which education is offered by a franchisee of a franchisor authorized to operate as a private vocational educational institution pursuant to sections 79-2801 to 79-2358 shall be deemed a branch facility within the scope of such franchisor's authorization if such franchisor establishes the course curriculum and guidelines for teaching at such facility and the criteria for branch facilities provided in subdivision (11) of section 79-2803 are met. The application shall also be accompanied by a surety bond as provided in section 79-2842 and the application fee provided in section 79-2846.

Sec. 7. That section 79-2822, Revised Statutes Supplement, 1980, be amended to read as follows:

79-2822. Each person desiring to solicit or perform the services of an agent in this state shall make application to the board upon forms to be provided by the board. The application shall be accompanied by evidence of the good reputation and character of the applicant and shall state the institution or institutions which the applicant intends to represent. ~~An agent representing one institution in a single location must obtain a separate agent's permit for each addititional location represented.~~ An agent shall obtain a separate agent's permit for each institution represented. A single agent's permit and surety bond for one institution with one or more branch facilities shall extend to cover all branch facilities. If any institution which the applicant intends to represent does not have authorization to operate in this state, the application shall be accompanied by the information required of institutions making application for such authorization to operate, and evidence to show that its place of business outside this state has been licensed or approved for operation by the appropriate state agency in the state in which it is domiciled. When a state of domicile has no authorization law for private vocational educational institutions, an agent's permit shall not be issued to an agent of such institution unless the institution has been accredited either by an accrediting association recognized by the United States Office of Education, or by the board following an onsite evaluation of the institution with all costs of the evaluation borne by the institution. The application for an agent's permit shall also be accompanied by evidence of a surety bond as provided in section 79-2843 and payment of the application fee provided in section 79-2846.

Sec. 8. That section 79-2842, Revised Statutes Supplement, 1980, be amended to read as follows:

79-2842. At the time application is made for authorization to operate, or for renewal thereof, the board may require the private vocational educational institution making such application to file with the board a good and sufficient surety bond in the penal sum of twenty thousand dollars or other security agreement deemed satisfactory by the board. Such bond or other security shall cover an institution's branch facilities and no additional bond or security shall be required of such institution. The bond or agreement shall be executed by the applicant as principal and by a surety company qualified and authorized to do business in this state. The bond or agreement shall be conditioned to provide indemnification to any student or enrollee or his or her parent or guardian determined to have suffered loss or damage as a result of any act or practice which is a violation of sections 79-2801 to 79-2858 by the private vocational educational institution, and that the surety shall pay any final judgment rendered by any court of this state having jurisdiction, upon receipt of written notification thereof. Regardless of the number of years that such bond or agreement is in force, the aggregate liability of the surety thereon shall in no event exceed the penal sum of the bond or agreement. The bond or agreement may be continuous.

Sec. 9. That section 79-2846, Revised Statutes Supplement, 1980, be amended to read as follows:

79-2846. All fees collected pursuant to sections 79-2801 to 79-2858 shall be deposited in the state treasury to the credit of the General Fund. No fees collected under the provisions of sections 79-2801 to 79-2858 shall be subject to refund. The fees to be collected by the board under sections 79-2801 to 79-2858 shall accompany an application for authorization to operate or an agent's permit, or for accreditation of courses in accordance with the following schedule:

(1) The initial application fee for private vocational educational institutions shall be twenty-five dollars;

(2) The annual report renewal fee for a private vocational educational institution shall be twenty-five dollars;

(3) The additional annual fee for each branch facility of an institution shall be twenty dollars;

~~(3)~~ (4) The initial fee for an agent's permit shall be ten dollars;

~~(4)~~ (5) The annual renewal fee for an agent's permit shall be ten dollars; and

~~(5)~~ (6) The initial or renewal fee for accreditation shall be twenty-five dollars. The cost of onsite survey shall be borne by the institution.".

2. On page 5, line 6, strike "3" and insert "5"; in line 20 after "sections" insert "79-2803," and after "79-2804," insert "79-2812,"; and in line 21 strike ", and 79-2821" and insert "to 79-2822, 79-2842, and 79-2846".

3. Renumber original sections 1, 2 to 4, and 5 as sections 2, 4 to 6, and 10 respectively.

LEGISLATIVE BILL 308. Indefinitely postponed.

(Signed) Jerry Koch, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 56.

(Signed) Karen Kilgarin, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 47, 84, 151, 220, and 313.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of LegislativeBill 556.

LB	Committee
556	Appropriations

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 379. Placed on Select File as amended.
E & R amendments to LB 379:

1. On page 3, line 26, strike "sections" and

insert "section".

2. On page 8, line 27, strike the comma and insert "and".

3. On page 9, line 4, strike the comma.

4. On page 13, line 21, insert an underscored comma after "1".

5. In lieu of the committee amendments thereto, on page 17, line 10, insert "and with the consent of" after "with".

6. On page 19, line 8, insert an underscored comma after "years" and at the end of the line insert "appointment".

7. On page 20, line 4, insert "and" after "board".

LEGISLATIVE BILL 44. Placed on Select File as amended.
E & R amendments to LB 44:
(References are to committee amendments unless otherwise stated.)

1. On page 1, line 9, strike "loaning" and insert "lending".

2. On page 3, line 26, and page 4, line 21, strike "loaned" and insert "lent".

3. On page 6, line 19, insert " or village" after "city".

4. On page 7, line 7, strike ", or" and insert "or,".

5. On page 1 of the Wesely amendment, line 18, strike the second "of" and insert "by".

6. In the title, line 2, insert "sections 69-201 to 69-206, 69-209, 69-210, and 69-211, Reissue Revised Statutes of Nebraska, 1943, and" after "amend"; in line 3 insert "to revise provisions for regulation of pawnbrokers; to provide for the disposition of certain property;" after the semicolon; and in line 5 strike "section" and insert "sections; and also section 69-207, Reissue Revised Statutes of Nebraska, 1943".

LEGISLATIVE BILL 173. Placed on Select File as amended.
E & R amendment to LB 173:

1. In the title, line 3, strike "Easement" and insert "Easements".

LEGISLATIVE BILL 331. Placed on Select File as amended.
E & R amendments to LB 331:

1. Because of the enactment of LB 80, on page 2, lines 12 and 13 and lines 20 and 21, and page 3, lines 3 and 4, 10 and 11, 14 and 15, and 21, strike "Agricultural Products Industrial Utilization" and insert "Nebraska Gasohol".

2. Interchange renumbered sections 6 and 7.
3. In the title, line 4, insert “or the process of ethanol distribution” after “grain”; in lines 5 and 6 strike “Agricultural Products Industrial Utilization” and insert “Nebraska Gasahol”, in line 6 strike “and”; and in line 7 insert “; and make an appropriation” after “gratuity”.

LEGISLATIVE BILL 392. Placed on Select File as amended.
E & R amendment to LB 392:
1. In the title, line 6 strike “and”; and in line 7 insert “; and to declare an emergency” after “section”.

LEGISLATIVE BILL 478. Placed on Select File as amended.
E & R amendment to LB 478:
1. In the title, line 4, strike “and”; and in line 5 insert “; and to declare an emergency” after “section”.

LEGISLATIVE BILL 113. Placed on Select File as amended.
E & R amendments to LB 113:
1. On page 4, line 15, strike “, or ” and insert “or,”; and in line 23 strike the comma.
2. On page 6, line 19, strike “of this state”; and in line 23 insert an underscored comma after “or”.
3. On page 7, line 24, insert an underscored comma after “or”.
4. On page 8, line 3, strike “, whenever” and insert “whenever,”.
5. On page 9, line 14, strike “Registration” and insert “Application for registration”; and in line 27 insert “application for” after “any”.

LEGISLATIVE BILL 113A. Placed on Select File.

LEGISLATIVE BILL 327. Placed on Select File.

LEGISLATIVE BILL 317. Placed on Select File as amended.
E & R amendments to LB 317:
1. On page 3, insert an underscored comma after “act” in line 22 and “appropriate” in line 25.
2. On page 5, line 4, insert an underscored comma after “student”.

LEGISLATIVE BILL 292. Placed on Select File as amended.
E & R amendments to LB 292:

1. In committee amendments, page 4, line 2, strike "where" and insert "when".

2. In the title, strike lines 2 to 5 and insert: "FOR AN ACT to adopt the Farms Management Program Act.".

LEGISLATIVE BILL 292A. Placed on Select File.

LEGISLATIVE BILL 479. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

MOTION - Return LB 179 to Select File

Mr. Hoagland moved to return LB 179 to Select File for the following specific amendment:

(FINAL READING COPY)

1. On page 19, strike beginning with "reasonably" in line 13 through "capacity" in line 15 and insert "within the scope of his or her office or employment"; and in line 19 strike the period and insert ", including any attorney fees which may have been awarded. Nothing in this section shall be construed to prevent the discipline of any officer or employee who did not act reasonably and in good faith in the performance of his or her duties.".

Motion pending.

MOTION - Return LB 72 to Select File

Mrs. Labedz moved to return LB 72 to Select File for her specific amendment found in the Journal on page 1186.

The motion prevailed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 72. The Labedz specific amendment found in the Journal on page 1186 was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 205 to Select File

Mr. Chambers moved to return LB 205 to Select File for the following specific amendment:
To strike the enactment clause.

Miss Kilgarin asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 8:

Barrett Chambers Dworak Kremer Marsh
Marvel Vickers Wesely

Voting in the negative, 32:

Burrows Carsten Chronister Clark Cope
DeCamp Fenger Goll Goodrich Haberman
Hefner Higgins Hoagland Johnson, L. Kahle
Koch Labedz Lamb Landis Maresh
Newell Nichol Peterson, H. Pirsch Remmers
Rumery Sieck Stoney Von Minden Wagner
Warner Wiitala

Present and not voting, 3:

Beutler Fitzgerald Peterson, R.

Excused and not voting, 6:

Beyer Cullan Fowler Johnson, V. Kilgarin
Schmit

The Chambers motion to return LB 205 to Select File for a specific amendment lost with 8 ayes, 32 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Messrs. Beutler and Hoagland asked unanimous consent to withdraw their pending amendment found in the Journal on page 1046. No objections. So ordered.

Messrs. Beutler and Newell moved to return LB 205 to Select File for the following specific amendment:
Req. No. 2221

(Final Reading Second)

1. Strike original section 2.

2. Insert the following new section:

"Sec. 2. That section 81-509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-509. (1) The State Fire Marshal, first assistant fire marshal, and deputy state fire marshals shall each have the power in any county of the State of Nebraska to summon and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the provisions of sections 81-501.01 to 81-531 a subject of inquiry and investigation, and may require the production of any book, paper, or document deemed pertinent thereto by them or either of them. Such summons shall be served in the same manner and have the same effect as subpoenas from district courts. All witnesses shall receive the same compensation as is paid to witnesses in district courts, which shall be paid out of the fire marshal fund, upon vouchers signed by the State Fire Marshal, first assistant fire marshal, or deputy fire marshal before whom any witnesses shall have attended, and such officer shall, at the close of the investigation wherein such witness was subpoenaed, certify to the attendance and mileage of such witness, which certificate shall be filed in the office of the State Fire Marshal. All investigations held by or under the direction of the State Fire Marshal, or his or her subordinates, may, in his or her discretion, be private, and persons other than those required to be present by the provisions of said sections may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined. (2) The State Fire Marshal, first assistant state fire marshal, and deputy state fire marshals are each authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before them; and false swearing in any manner or proceeding aforesaid shall be deemed perjury, and shall be punished as such upon conviction in any court of competent jurisdiction. (3)

Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of the State Fire Marshal, first assistant state fire marshal, or deputy state fire marshal, in relation to any investigation, or who fails or refuses to produce any paper, book, or document touching any matter under examination, or who ~~is guilty of~~ commits any contemptuous conduct, after being summoned to appear before the State Fire Marshal, first assistant, or deputy, to give testimony in relation to any matter or subject under examination or investigation as aforesaid, shall be ~~guilty of~~ subject to conviction for contempt, and, upon conviction of such contempt before any court of competent jurisdiction, shall be punished as provided by law for contempt of the orders of a district court; Provided, no person shall be compelled to give testimony which might tend to incriminate him or her, or to give testimony which is considered privileged by the laws of the State of Nebraska.".

3. On page 6, line 12, after "section" insert "81-509, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 13 strike "is" and insert "are".

4. In the title in line 3 after "section" insert "81-509, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 8 after the semicolon insert "to change provisions relating to comtempt;".

The Beutler-Newell motion to return to Select File for a specific amendment prevailed with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 205. The Beutler-Newell specific amendment found in this day's Journal was adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Members Excused

Mr. H. Peterson asked unanimous consent to be excused Wednesday afternoon, April 1, 1981. No objections. So ordered.

Messrs. Clark and Nichol asked unanimous consent to be excused Thursday, April 2, 1981. No objections. So ordered.

MOTION – Return LB 205 to Select File

Mr. Chambers moved to return LB 205 to Select File for the following specific amendment:
Strike section 3

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers motion to return to Select File for a specific amendment lost with 7 ayes, 21 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Newell moved to return LB 205 to Select File for the following specific amendment:
On page 6 line 1 strike any such and insert “an” after “of”.

MR. CLARK PRESIDING

Mr. Beutler moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Newell motion to return to Select File for a specific amendment prevailed with 26 ayes, 3 nays, 14 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 205. The Newell specific amendment found in this day's Journal was adopted with 27 ayes, 6 nays, 11 present and not voting, and 5 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Beutler	Burrows	Carsten	Chronister	Clark
DeCamp	Goll	Haberman	Hefner	Higgins
Hoagland	Johnson, L.	Kahle	Lamb	Landis
Maresh	Newell	Nichol	Peterson, H.	Pirsch
Remmers	Rumery	Sieck	Stoney	Von Minden
Wagner	Warner	Wiitala		

Voting in the negative, 9:

Barrett Chambers Cope Dworak Koch
Kremer Marsh Vickers Wesely

Present and not voting, 7:

Fenger Fitzgerald Goodrich Labedz Marvel
Peterson, R. Schmit

Excused and not voting, 5:

Beyer Cullan Fowler Johnson, V. Kilgarin

Advanced to E & R for Re-Engrossment with 28 ayes, 9 nays, 7 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Reconsider Action on LB 5

Mr. Beutler renewed his pending motion to reconsider their action on Final Reading of LB 5 found in the Journal on page 1142.

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The motion to reconsider their action on Final Reading of LB 5 prevailed with 31 ayes, 8 nays, 4 present and not voting, and 6 excused and not voting.

BILL ON FINAL READING

LEGISLATIVE BILL 5.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 30:

Beutler
Carsten
Chronister
Cope
DeCamp
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Koch
Kremer
Labedz
Landis
Marsh
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wiitala

Voting in the negative, 10:

Barrett
Burrows
Chambers
Clark
Dworak
Lamb
Maresh
Marvel
Vickers
Warner

Present and not voting, 3:

Schmit
Wagner
Wesely

Excused and not voting, 6:

Beyer
Cullan
Fowler
Johnson, V.
Kilgarin
Nichol

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed for a general election.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 428. Placed on General File.

LEGISLATIVE BILL 335. Placed on General File as amended.
Standing Committee amendments to LB 335:

1. Strike original sections 1 through 11 and 15.

2. On page 8, line 11, reinstate "disabled", strike "a", and before "disabled" insert "a"; in line 12 after "older" insert "or a person sixty years of age or older"; and in line 14 reinstate the stricken matter, and after "older" insert "or a person sixty years of age or older".

3. On page 9, line 3, reinstate "disabled", strike the new matter, and before "disabled" insert "a"; in line 4 after "older" insert "or a person sixty years of age or older"; in line 18 after "child" insert ", a", reinstate "disabled person", and after "person" insert "eighteen years of age or older, or a person sixty years

of age or older”; and in line 23 strike “such minor”, show as stricken, and insert “a”, and strike “is” and show as stricken.

4. On page 10, line 7, after “child” insert “, a”, reinstate “disabled person”, and after “person” insert “eighteen years of age or older, or a person sixty years of age or older”.

5. On page 12, line 22, before “Registry” insert “and Adult Protective Services”.

6. On page 13, line 5, before “Registry” insert “and Adult Protective Services”; and in line 27 reinstate the first comma, reinstate “disabled person,”, and after “person” insert “eighteen years of age or older, or person sixty years of age or older”.

7. On pge 14, line 1, after “the” insert “welfare of the”; in line 2 reinstate the stricken “child,”; in line 3 strike the new matter, and strike “welfare”, show as stricken, and insert “disabled person eighteen years of age or older, or person sixty years of age or older”; and in line 10 strike “to” and insert “, 28-711,”.

8. Renumber remaining sections accordingly.

LEGISLATIVE BILL 353. Placed on General File as amended.
Standing Committee amendments to LB 353:

1. On page 3, line 9, strike “exclusive”; and strike beginning with “The” in line 12 through the underscored period in line 13.

2. On page 4, line 16, strike “exclusive”; and strike lines 19 and 20.

(Signed) William E. Nichol, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 261 in the Journal. No objections. So ordered.

1. On page 2, line 11, after the underscored period insert “The standard of need determined by the department shall be adjusted annually based on the percentage change in the cost-of-living pursuant to the Consumer Price Index.”.

MOTION - Overrule Speaker's Agenda

Mr. Chambers moved to overrule the agenda by removing LB 40.

Mr. Kremer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 17 ayes, 11 nays, and 21 not voting.

MR. CLARK PRESIDING

Mr. Chambers requested a roll call vote on his motion.

Voting in the affirmative, 7:

Barrett Chambers Cullan Dworak Marsh
Peterson, R. Vickers

Voting in the negative, 36:

Beutler Carsten Chronister Clark Cope
DeCamp Fenger Fitzgerald Goll Goodrich
Haberman Hefner Higgins Hoagland Johnson, L.
Kahle Koch Kremer Labedz Lamb
Landis Maresh Marvel Newell Nichol
Peterson, H. Pirsch Remmers Rumery Sieck
Stoney Von Minden Wagner Warner Wesely
Wiitala

Present and not voting, 2:

Burrows Kilgarin

Excused and not voting, 3:

Beyer Fowler Johnson, V.

Absent and not voting, 1:

Schmit

The Chambers motion to overrule the Speaker's agenda lost with 7 ayes, 36 nays, 2 present and not voting, 3 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 62
March 31, 1981

Dear Senator Carsten:

With your letter of March 27, 1981, you submitted a copy of amendments to LB 284, and asked our opinion as to the constitutionality of the first five sections of the bill, as amended. In view of the fact that your request came in Friday afternoon, and you want our reply by Tuesday, we have been unable to do the research we would like to have done on this complex bill, and can give you only our general impressions. An answer is made more difficult by the fact that section 18 of the bill, as amended, provides that the provisions of the bill are nonseverable, and that if any portion of the bill is held invalid, the entire bill is void.

Sections 1 through 5 of the bill provide for the distribution to the taxing agencies of the state of state funds to replace revenue lost by such agencies because of the exemptions granted by Neb.Rev.Stat. Section 77-202 (Supp. 1980), subsections (6), (7), (8), and (9). A similar attempt to replace such losses was held invalid in State ex rel. Douglas v. Marsh, 207 Neb. 598 (1980) as creating frozen classes, and as providing for unreasonable classification. The question is whether sections 1 through 5 of LB 284 correct such deficiencies.

Section 2 of the bill provides for the distribution to the taxing agencies of $72,500,000 in fiscal year 1980-81, and $70,000,000 in fiscal year 1981-82. These sums are to be distributed by the state to the counties, and then distributed by the counties to the taxing agencies within the counties. We will discuss first the distributions to the counties.

What the act does is distribute to the counties in 1980-81 $39,353,600 based on each county's assessed valuation of agricultural real estate, $32,146,400 based on its assessed valuation of commercial- industrial real estate, and $1,000,000 based on its assessed valuation of suburban-residential real estate. In 1981-82 the figures are $37,977,600 based on agricultural real estate, $31,022,400 based on commercial-industrial real estate, and $1,000,000 based on suburban-residential real estate.

At first glance these figures may appear totally arbitrary, but on analysis it becomes clear that what has been done is to assign $1,000,000 each of the two years involved to suburban-residential property, and then divide the balances of $71,500,000 and $69,000,000 between agricultural and commercial-industrial real estate on the basis of agricultural getting 55.04 per cent of such balances, and commercial - industrial getting 44.96 per cent.

The material attached to your request letter shows where these percentage figures come from. The exemption now found in Section 77-202, subsections 6, 7, 8, and 9, and formerly found in Section

77-202.25, et seq., before their repeal in 1980, deal with various classes of agriculturally related personal property, and with business inventory, which is related to commercial-industrial businesses.

The three year average for the years 1975 through 1977 show that in those years the total agriculturally-related exemption losses amounted to 55.04 per cent, and the business inventory exemption losses 44.96 per cent of the total exemption losses claimed under the above statutory provisions. As we understand it, it is felt that a small percentage of the exemptions were claimed by persons owning neither agricultural nor commercial industrial property, who operated out of their own homes. For this reason, the bill allocates $1,000,000 each of the two years on the basis of the assessed valuation of residential property.

The balance is to be allocated on the basis of the three-year average. The rationale is that there should be a rough correlation between the amount of agricultural real estate in a county and the agriculturally-related exemptions claimed in that county, and the same correlation between commercial industrial real estate and business inventories. We are not prepared to say that that premise is wholly irrational.

Another necessary premise is that the ratio between agricultural exemptions and business inventory exemptions remains relatively constant from year to year. The figures presented tend to support that premise. The highest percentage for agriculture exemptions in that three year period was 56.5 per cent, and the lowest was 53.6 per cent. The three year average of 55.04 per cent seems reasonably accurate, in view of the fact that it is no longer possible to get current figures.

The sums appropriated for the two years in question, then, are to be divided by allocating $1,000,000 to residential property, and the balance on the basis of the three year averages. The residential percentage is assumed to be nominal, and a nominal amount is allocated to it.

Legislative classification is not required to be exact. In Elliott v. Ehrlich, 203 Neb. 790, 280 N.W.2d 637 (1979), the court quoted the following language from Dandridge v. Williams, 397 U.S. 471 (1970):

> "In the area of economics and social welfare, a State does not violate the Equal Protection Clause merely because the classifications made by its laws are imperfect. If the classification has some 'reasonable basis,' it does not offend the Constitution simply because the classification 'is not made with mathematical nicety or because in practice it results in some inequality.' * * * 'A statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it.' "

There is the question of frozen classification, since the percentages are based upon 1975 to 1977 data. If this were to be a continuing program, we might question whether the percentages thus established could be used for all time, since changing economic conditions might change the relationship between the two classes of exemptions. However, since the appropriations are to be made only for the years 1980-81 and 1981-82, we believe the court would hold that the Legislature could reasonably find that there has not been enough change between the years used and the present to invalidate the percentages.

We believe there is a problem with respect to the last sentence of section 2 of the bill, which provides that for fiscal year 1980-81 funds shall be distributed on the basis of the County Abstract of Assessment Form 45, and for fiscal year 1981-82 they shall be distributed on the basis of that form as equalized by the State Board of Equalization and Assessment.

That form is the form used by the county to certify its values to the State Board of Equalization and Assessment, pursuant to Neb.Rev.Stat. Section 77-1514 (Reissue 1976). The State Board, of course, is authorized to change those values, and the values, as changed, are those used by the county in levying taxes. For some inexplicable reason, the provision in question seems to require that for one year any changes made by the State Board of Equalization and Assessment shall be ignored, and values which were not actually used in the taxation process shall be used in calculating a county's share of the fund. This seems palpably arbitrary and capricious.

A possibly troublesome problem comes up with respect to the distributions within the county. The distributions to the counties are made on the basis of assessed valuation of real estate. The distributions within the county are made on an entirely unrelated basis, the amount of property tax levied by each taxing agency within the county. Of course, the amount of tax levied is dependent entirely upon the budget of the agency, and not upon the amount of taxable property in the area covered by the taxing agency. An argument might be made that this is arbitrary. A similar provision was found in LB 882, the bill which was invalidated in State ex rel. Douglas v. Marsh, but this particular provision was not attacked or discussed by the court.

In the same vein, it could be argued that the tax loss due to exemptions is largely a function of the size of the mill levies, which may be unrelated to the value of real estate in the county.

Given the broad discretion vested in the Legislature in establishing classification, we believe a reasonable defense could be made against such an attack. Certainly the distributions to the counties will not result in exact replacement for tax lost because of the exemptions, and arguably, counties may not all receive the same proportions of such losses. The same can, no doubt, be said of the distributions to the taxing agencies within the counties. Nevertheless, we believe a tenable argument can be made that the formula is not wholly arbitrary and capricious, and that the Legislature was using the best criteria available.

We must, however, point out that in State ex rel. Douglas v. Marsh the court held that increases in taxes levied were not a reasonable basis for distributing a part of the funds involved therein. The court pointed out that that system rewarded a county for increasing its mill levy and penalized it for decreasing it, and the court held this to be arbitrary and capricious. It can certainly be argued that distributing money within the county on the basis of taxes levied by the taxing agencies has the same effect.

As you can see, there are numerous difficult questions raised by the bill, and we cannot predict with any assurance what the court will say when confronted with them. However, if the last sentence of section 2 is corrected, we believe we would attempt to defend the validity of the first five sections of the bill.

We have not had time to reach any conclusion about the balance of the bill, and, in view of the nonseverability clause of section 18, any invalidity found in other sections would automatically invalidate the first five sections as well.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jmf
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 63
March 30, 1981

Re: Constitutionality of LB 243

Dear Senator Haberman:

We are responding to your request that we review the constitutionality of LB 243, and specifically address the question of whether Section 2 of that bill violates the provisions of Article I, Section 16 of the Nebraska Constitution.

Proposed LB 243 is an act to amend Neb.Rev.Stat. Section 2-3234 (Reissue 1977) relating to Natural Resource Districts by restricting their power of eminent domain. Neb.Rev.Stat. Section 2-3234 (Reissue 1977) grants eminent domain to Natural Resource Districts when necessary to carry out their purposes. LB 243 would restrict the power of eminent domain to prevent its use "to acquire property for a project of which 50 percent or more of the benefits are recreational." Section 2 of LB 243 reads as follows: "The restriction on the use of eminent domain provided in subsection (2) of section 2-3234 shall apply to all proceedings which have not reached final adjudication prior to the effective date of this act." The question to be determined is whether Section 2 of LB 243 is an ex post facto law, or law impairing the obligation of contracts violating Article I, Section 16 of the Nebraska Constitution.

It has long been recognized in this state that a statute may not operate retroactively where it would impair the obligation of a contract or interfere with a vested right. State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 464, 283 N.W.2d 12 (1979). A statute will not be applied retroactively, even where such legislative intent is clear, where the effect would be to impair vested rights or contracts. Mooney v. Drainage District No. 1 of Richardson County, 134 Neb. 192, 278 N.W. 368 (1938); Karer v. Karer, 190 Neb. 610, 211 N.W.2d 116 (1973). Where its effect would be unconstitutional, its application would be limited to be prospective.

However, vested rights and obligations held by the state may be treated differently than rights held by private persons. In Mooney v. Drainage District No. 1 of Richardson County, supra, our court stated:

> The state by an amendatory or repealing legislative act, operating retroactively . . . may release penalties imposed by the protection or benefit of the state under a former statute. By the same method the state may abandon its own claims and rights, if not forbidden by the Constitution. But private property rights acquired under statutes and established by valid judgments of courts are not subject to legislative invasion by means of new statutes.

Id. at 134 Neb. 199.

It has been recognized by our Supreme Court in Ritter v. Drainage District No. 1 of Otoe and Johnson Counties, 137 Neb. 866, 291 N.W. 718 (1940), that a legislative act and the proceedings thereunder may lead to and create contracts between the state and individuals or corporations which will therefore become protected pursuant to Article I, Section 16. In this case, the court found that the act, the proceedings thereunder, and the payments by the landowners for drainage created contracts protected under the Constitution. Id. at 870.

Proposed LB 243 restricts use of eminent domain to "acquire property," and seeks to apply to "all proceedings which have not reached final adjudication prior to the effective date of this act." Acquisition of property is essentially accomplished when the Petition for Condemnation is filed in the county court. Chaloupka v. State Department of Roads, 176 Neb. 746, 127 N.W.2d 291, 297 (1964). The right of the condemner to the property has been determined by the act of filing the Petition, and the only issue remaining is the compensation of the condemnee for the damages he has suffered. The only exception is challenge by the condemnee's Answer to the Petition of the condemner's right to take this property. If such a challenge is made, then the right of acquisition is not determined until after a final judgment to which no appeal is taken. Krauter v. Lower Big Blue Natural ResourceDistrict, 199 Neb. 431, 259 N.W.2d 472 (1977). In the ordinary case described first above, the final adjudication of the propriety of the taking by eminent domain has been accomplished by the filing of the Petition in county court. However, where the condemnee challenges the authority for condemnation of his property, this is not complete until the litigation finally terminates without further appeal.

In conclusion, we do not know whether any contracts or other vested interests have been created for private persons in "proceedings which have not reached final adjudication prior to the effective date of this act." The act could extinguish vested rights and obligations which exist benefiting the state or its political subdivisions. Should the act affect private vested rights and contracts, it would not be declared unconstitutional, but only applied prospectively. The act is therefore valid.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) G. Roderic Anderson
Assistant Attorney General

GRA:pes
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 17 in the Journal. No objections. So ordered.

1. Page 2, line 12, delete "or special election,". Delete "," after general and insert "or". Line 19, delete "or special". Delete "," after general and insert "or". Line 20, delete "election ".
2. Page 3, line 5, delete "or special election". Delete "," after general and insert "or".
3. Page 5, line 3, delete "or special". Delete "," after general and insert ",". Line 4, delete "election".

Messrs. Landis and H. Peterson asked unanimous consent to print the following amendment to LB 478 in the Journal. No objections. So ordered.

Req. No. 2264

1. On page 2, line 3, before "All" insert "(1)"; in line 5 before "the" insert "a percentage of"; in line 6 strike "any" and insert "~~any~~ the"; in line 7 strike "(1)" and insert "~~(1)~~ qualified claimants based on income and disabled status as a claimant pursuant to subsections (2) to (4) of this section. For purposes of this section persons having disabled status shall include (a)"; in line 8 strike "(2)" and insert "~~(2)~~ (b)"; in line 11 strike "(3)" and insert "~~(3)~~ (c)"; in line 14 strike "(4)" and insert "~~(4)~~ (d)"; in line 19 strike "(5)" and insert "~~(5)~~ (e)"; and after line 24 insert:

“(2) For a single qualified claimant with a disability status included in subsection (1) of this section, the percentage of the exemption for which the claimant shall be eligible shall be the percentage in Column B which corresponds with the claimant’s income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage of Relief
0 through 4,300	100
4,301 through 4,800	80
4,801 through 5,300	60
5,301 through 5,800	40
5,801 through 6,300	20.

(3) For a married qualified claimant with one spouse having a disability status included in subsection (1) of this section, the percentage of the exemption for which the claimant shall be eligible shall be the percentage in Column B which corresponds with the claimant’s income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage of Relief
0 through 7,400	100
7,401 through 7,900	80
7,901 through 8,400	60
8,401 through 8,900	40
8,901 through 9,400	20.

(4) For a married qualified claimant with both spouses having a disability status included in subsection (1) of this section, the percentage of the exemption for which the claimant shall be eligible shall be the percentage in Column B which corresponds with the claimant’s income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage ofRelief
0 through 8,400	100
8,401 through 8,900	80
8,901 through 9,400	60
9,401 through 9,900	40
9,901 through 10,400	20.”.

2. Strike original section 2.

3. Insert new sections as follows:

“Section 1. That section 77-3505, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3505. A qualified claimant shall mean an owner of a homestead during the calendar year for which the claim is made who shall be entitled to relief pursuant to ~~section~~ sections 77-3507 and 77-3508.

Sec. 3. That section 77-3510, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3510. On or before January 1 of each year, the Tax Commissioner shall prescribe suitable blank forms to be used by all claimants for homestead exemption. Such forms shall contain provisions for the showing of all information which the Tax Commissioner may deem necessary to (1) enable the proper county officials to determine whether each claim for exemption under sections 77-3506~~, 77-3508,~~ and 77-3509 should be allowed, and (2) enable the Tax Commissioner to determine whether each claim for exemption under ~~section~~ sections 77-3507 and 77-3508 should be allowed. It shall be the duty of the county assessor of each county in this state to furnish such forms, upon request, to each person desiring to make application for homestead exemption on property located within that county. The forms so prescribed shall be used uniformly throughout the state and no application for exemption shall be allowed unless the applicant uses the regularly prescribed form in making an application.

Sec. 4. That section 77-3513, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3513. ~~(1)~~ If an owner is granted a homestead exemption as provided in section 77-3506 or 77-3509, ~~or subdivision (2), (3), (4), or (5) of section 77-3508,~~ the homestead exemption as to such property shall remain in full force and effect for each succeeding year without reapplication, if the owner is in all respects entitled to the exemption granted under the provisions of sections 77-3501 to 77-3523. Once a qualified claimant has filed an application for homestead exemption and the exemption has been granted for that year, no reapplication need be filed for succeeding years, in which case the county assessor and Tax Commissioner shall determine whether the claimant shall qualify for the homestead exemption in such succeeding years as otherwise provided in sections 77-3501 to 77-3523 as though a claim were made.

~~(2) It shall be the duty of each claimant who wants the homestead exemption provided in subdivision (1) of section 77-3508 to file an application therefor with the county assessor on or before June 15, 1980, and on or before April 1 of each year thereafter, and failure to do so shall constitute a waiver of the exemption for such year.~~

Sec. 5. That section 77-3516, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3516. The county assessor shall examine each application for homestead exemption filed with him or her for an exemption pursuant to section 77-3506~~, 77-3508,~~ or 77-3509 and shall determine whether or not such application should be approved or rejected and, if approved, determine the amount of the exemption. If the application is approved, the county assessor shall mark the same approved and show thereon the amount of exemption allowed and make the proper deduction upon the assessment rolls. In case he or she finds that the exemption should not be allowed by reason of not being in conformity to law, the county assessor shall mark the application rejected and state thereon the reason for such rejection. In any case when the county assessor disallows or reduces an application for exemption, he or she shall notify the applicant of such action by mailing written notice to the applicant at the address shown in the application, which notice shall be mailed not later than the second Monday in July for 1980, and not later than the fourth Monday in April of each year thereafter and shall be on forms prescribed by the Tax Commissioner. All applications for exemption, showing thereon the action of the county assessor, shall be delivered to the county board of equalization on or before the second Monday in July for 1980, and not later than the fourth Monday of April of each year thereafter.

Sec. 6. That section 77-3517, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3517. The county assessor shall examine all applications for an exemption pursuant to ~~section~~ sections 77-3507 and 77-3508 to determine, except for the income test, if the application should be approved or rejected. On or before the first Monday in July, 1980, and on or before the third Monday in April of each year thereafter the county assessor shall forward the application to the Tax Commissioner who shall determine from the records of the Department of Revenue whether or not the applicant meets the required income standards. The Tax Commissioner shall, on or before August 15, certify his or her determinations to the county assessor. If the county assessor's and Tax Commissioner's determination is that the application should be accepted, then the county assessor shall process the application in the same manner as an approved application under section 77-3516. If the Tax Commissioner's determination is that the application does not meet the required income test or if the county assessor finds that the exemption should not be allowed or should be reduced, the county assessor shall proceed as in the case of a rejected or reduced application under section 77-2516.

Sec. 7. That section 77-3522, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3522. (1) Any person who makes any false or fraudulent claim for exemption, or any false statement or false representation of a material fact in support of such claim, or any person who assists another in the preparation of any such false or fraudulent claim, or enters into any collusion with another by the execution of a fictitious deed or other instrument for the purpose of obtaining unlawful exemption under the provisions of sections 77-3501 to 77-3523, shall be guilty of a Class II misdemeanor and shall be subject to a forfeiture of any such exemption for a period of two years from date of conviction. Any person who shall make oath to any false or fraudulent application for homestead exemption, knowing the same to be false or fraudulent, shall be guilty of a Class I misdemeanor.

(2) In addition to the penalty provided in subsection (1) of this section, if any person files a claim for exemption as provided in section 77-3507 or 77-3508 which is excessive due to misstatements by the owner filing such claim, the claim may be disallowed in full, and, if the claim has been allowed, an amount equal to the amount of taxes lawfully due but not paid by reason of such unlawful and improper allowance of homestead exemption shall be due and shall, upon entry of the amount thereof on the books of the county treasurer, be a lien on such property until paid and a penalty equal to the amount of taxes lawfully due but claimed for exemption shall be assessed.

Sec. 8. That original sections 77-3505, 77-3508, 77-3510, 77-3513, 77-3516, 77-3517, and 77-3522, Revised Statutes Supplement, 1980, are repealed.".

4. Renumber original section 1 as section 2 and renumber the section added by the Standing Committee amendments as section 9.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 1, 1981, at 11:25 a.m., were the following bills: 47, 84, 151, 220, and 313.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 245 and 245A.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 245

The following changes, required to be reported for publication in the Journal, have been made:

1. The new section added on select file has been inserted as section 6, and sections 6 and 7 have been renumbered as sections 7 and 8.
2. In E & R amendment 2, "to provide for termination;" has been inserted after the semicolon in line 4.

(Signed) Emory P. Burnett
E & R Attorney

VISITORS

Visitors to the Chamber were 55 students and teachers from LincolnEast High School; and 49 students and teachers from Humphrey Public School, Humphrey.

RECESS

At 11:58 a.m., on a motion by Speaker Marvel, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:45 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, Fowler, and H. Peterson who were excused.

GENERAL FILE

LEGISLATIVE BILL 40. Title read. Considered.

Mr. Chambers asked unanimous consent to withdraw his pending motion found in the Journal on page 1229. No objections. So ordered.

Mr. Newell asked unanimous consent to have his name added to LB 40. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Dworak requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Burrows
Carsten
Chronister
Cope
DeCamp
Fenger
Fitzgerald
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Maresh
Marvel
Newell
Nichol
Pirsch
Rumery
Sieck
Von Minden
Wagner
Wiitala

Voting in the negative, 16:

Barrett
Chambers
Cullan
Dworak
Goll
Higgins
Kremer
Lamb
Landis
Marsh
Peterson, R.
Remmers
Stoney
Vickers
Warner
Wesely

Present and not voting, 3:

Beutler
Clark
Schmit

Excused and not voting, 3:

Beyer
Fowler
Peterson, H.

Advanced to E & R for Review with 27 ayes, 16 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 22A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 158A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 317A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 298. Title read. Considered.

Mr. V. Johnson offered the following amendment:

1. On page 2, line 14, strike "Such districts" and insert "At least one such district in the municipality"; and in line 16 after the underscored period insert "A political subdivision or a municipality may prescribe reasonable and necessary requirements of the site development for mobile homes in such districts in accordance with local standards.".
2. Strike original section 5.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The V. Johnson amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 12 nays, 9 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 208. Placed on General File as amended.
Standing Committee amendments to LB 208:
Req. No. 2213

1. On page 2, reinstate the stricken matter in lines 4 through 26; in line 5 strike "or constructive

possession” and show as stricken; in line 9 after “with” insert “the State Board of Education”; strike beginning with the second “a” in line 9 through the comma in line 11 and show as stricken; in line 11 after “tract” insert “or tracts”; in line 12 strike “or Class II”, show as stricken, and insert “, II, III, or IV; in line 13 before the period insert “in the petitioner’s county of residence or a county adjoining thereto for the purpose of providing a better education for school children”; in line 17 after “he” insert “, she,”; strike beginning with “land” in line 22 through “the” in line 23 and show as stricken; in line 23 strike “it” and insert “~~it~~ the land”; in line 24 after the first “attached” insert “is located in the petitioner’s county of residence or a county adjoining thereto”, and after the semicolon insert “and”; and in line 26 strike the semicolon, show as stricken, and insert “prior to filing the petition.”.

2. On page 4, reinstate the stricken matter beginning with “The” in line 7 through the period in line 20; in lines 7 and 14 strike “board”, show as stricken, and insert “State Board of Education”, in line 11 strike “they deem”, show as stricken, and insert “the State Board of Education deems”; and strike “just” and show as stricken; in line 12 strike “and proper and for”, show as stricken, and insert “in”, after “best” insert “educational”, and before “petitioner” insert “children of the”; and strike beginning with “and” in line 17 through the comma in line 19 and show as stricken.

3. On page 5, reinstate the stricken matter commencing with “to” in line 3 through “board” in line 5; before line 3 insert “Appeals may be taken from the action of the State Board of Education”; in line 5 after “board” insert “. Transfer may be made from an accredited district to an accredited Class VI district which is served by a nonaccredited Class I district if any student or students the petition concerns attend the high school.”; in line 12 reinstate the stricken matter; and after line 27 insert “Such tract or tracts shall include all such contiguous land owned or controlled by each such petitioner or at least one hundred sixty acres of such land, whichever is less.”.

4. On page 6, lines 3, 9, 13, 15, and 18, strike the new matter and reinstate the stricken matter; and in line 9 after “therefor” insert “and that such tract or tracts include all such contiguous land owned or controlled by each such petitioner or at least one

hundred sixty acres of such land, whichever is less”.

5. On page 7, line 9, reinstate “subsection” and strike “section”; in line 18 strike “may” and insert “shall”; in line 19 after “petition” insert “and a determination that all requirements of this subsection have been complied with”; and strike beginning with “whenever” in line 22 through “met” in line 23.

6. Insert a new section as follows:

“Sec. 2. That section 79-1108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1108. No transfer of property from an accredited school district to a nonaccredited school district of any class shall be permitted, except that as provided in section 79-403 transfers may be made from an accredited district to an accredited Class VI district which is served by a nonaccredited Class I district if any student or students the petition concerns attend the high school. Any action to set aside the transfer of property from an accredited school district to a nonaccredited school district shall be commenced within four years from the date of the transfer, otherwise the transfer shall be valid as of the original date of the transfer. This provision shall apply to all transfers made prior as well as subsequent to ~~February 20, 1974~~ the effective date of this act.”.

7. On page 8, line 22, strike “section” and insert “sections” and after “79-403” insert “and 79-1108”.

8. Renumber original section 2 as section 3.

(Signed) Jerry Koch, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 483 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk’s Office - Req. No. 2256.)

Messrs. Goodrich and Newell asked unanimous consent to print the following amendment to LB 40 in the Journal. No objections. So ordered.

1. On page 2, line 23, strike “1980” and insert “~~1980~~ 1982”.

2. On page 3, lines 2, 6, and 8, strike “1980” and insert “~~1980~~ 1982”; in line 10 after “~~if~~” insert “If”;

reinstate the stricken matter beginning with "there" in line 10 through "(3)" in line 17; in line 17 after "~~Any~~" insert "Unless approved by the voters at the primary or general election in 1982, any"; reinstate the stricken matter beginning with "increase" in line 17 through the final comma in line 19; in line 20 after "~~1982~~" insert "1983"; and reinstate the stricken matter beginning with the comma in line 20 through the period in line 22.

Messrs. Koch and DeCamp asked unanimous consent to print the following amendment to LB 40 in the Journal. No objections. So ordered.

1. On page 3, line 8, after the period insert "No tax increased pursuant to this subsection shall remain in effect after December 31, 1983."; Reinstate the stricken matter beginning on line 23 through the period on page 4, line 4; On page 4, line 4, strike "1982" and insert "1984".

Mr. Vickers asked unanimous consent to print the following amendment to LB 384 in the Journal. No objections. So ordered.

1. Strike original section 2.
2. On page 2, line 1, strike "54" and insert "53".
3. On page 3, strike lines 6 through 27 and E and R amendment no. 1.
4. On page 4, strike lines 1 through the period in line 8; in lines 9 and 13 strike "54" and insert "53"; in line 15 strike "5 to 15" and insert "4 to 14"; and in line 18 strike "(1)".
5. On page 5, line 14 strike "16" and insert "15"; in line 21 strike "10" and insert "9"; and in line 22 strike "12" and insert "11".
6. On page 6, line 19; page 8, line 9; page 9, line 9; page 13, line 11; page 14, line 26; and page 15, lines 11, 20, and 25, strike "54" and insert "53".
7. On page 18, line 5, strike "54" and insert "53"; and in line 26, strike "29 and 30" and insert "28 and 29".
8. On page 19, lines 14 and 24 strike "29 and 30" and insert "28 and 29"; and in line 27 strike "54" and insert "53".
9. On page 20, line 21, strike "29 and 30" and insert "28 and 29".
10. On page 21, line 18, strike "54" and insert "53"; and in line 25 strike "29 to 33" and insert "28 to 32".
11. On page 23, lines 3 and 7 strike "54" and insert "53"; in line 6 strike "36" and insert "35".

12. On page 24, line 11; page 26, line 6; and page 28, line 21, strike "54" and insert "53".
13. On page 29, line 7, strike "47" and insert "46"; and in line 20, strike "54" and insert "53".
14. On page 30, lines 6, 7, 8, 13, and 22; and page 32, lines 1, 5, 6, 11, 17, and 20, strike "54" and insert "53".
15. In the Schmit amendment (2), page 1147 of the Journal, page 2, line 13, strike "54" and insert "53"; and in line 21 strike "31" and insert "30".
16. Renumber original sections 3 to 58 as sections 2 to 57 respectively.

Messrs. Hoagland and Warner asked unanimous consent to print the following amendment to LB 167 in the Journal. No objections. So ordered.

(Amendments to Standing Committee Amendments Req. 2024)

1. On page 31, line 19, after "rate" insert "set by the district. However, such rate shall exceed by at least two per cent per annum the rate set by the district on such installments before delinquency, and such rate shall not exceed the rate".

GENERAL FILE

LEGISLATIVE BILL 253. Title read. Considered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1162. No objections. So ordered.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1177.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The DeCamp pending amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Advanced to E & R for Review with 25 ayes, 13 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 253A. Title read. Considered.

Mr. DeCamp offered the following amendment:

On page 2, lines 1 and 2, strike "twenty thousand" and insert "thirteen thousand five hundred"; on page 2, line 9, strike "four thousand" and insert "two thousand three hundred".

The amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Hoagland requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Burrows	Chronister	Cope	DeCamp	Fenger
Haberman	Hefner	Higgins	Johnson, L.	Johnson, V.
Koch	Kremer	Labedz	Landis	Marsh
Newell	Nichol	Peterson, R.	Pirsch	Remmers
Rumery	Stoney	Von Minden	Wagner	Wiitala

Voting in the negative, 10:

Barrett	Beutler	Chambers	Dworak	Goll
Hoagland	Lamb	Maresh	Sieck	Vickers

Present and not voting, 11:

Carsten	Clark	Cullan	Fitzgerald	Goodrich
Kahle	Kilgarin	Marvel	Schmit	Warner
Wesely				

Excused and not voting, 3:

Beyer	Fowler	Peterson, H.

Advanced to E & R for Review with 25 ayes, 10 nays, 11 present and not voting, and 3 excused and not voting.

MR. CLARK PRESIDING

LEGISLATIVE BILL 271. Title read. Considered.

Standing Committee amendment found in the Journal on page 809 for the Thirty-Ninth Day was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. V. Johnson offered the following amendment:

1. On page 4, line 27, after "agreement" insert ", except that the minimum monthly payment shall not be less than one and one half per cent of the average daily unpaid principal balance of an account having an average daily balance of more than three thousand dollars nor less than two per cent of the average daily unpaid principal balance of an account having an average daily balance of three thousand dollars or less".

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 132. Title read. Considered.

Standing Committee amendments, Req. No. 2148, printed separate from the Journal and on file in the Clerk's Office were considered.

Mr. Kremer renewed his pending amendment found in the Journal on page 1187 to the Standing Committee amendments.

The Kremer amendment to the Standing Committee amendments was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Review with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 466. Title read. Considered.

Mr. Barrett asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 3 nays, and 30 not voting.

SPEAKER MARVEL PRESIDING

Mr. Clark asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 7 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 129. Title read. Considered.

Standing Committee amendments, Req. No. 2096, found in the Journal on page 911 for the Forty-Third Day were considered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Standing Committee amendments were adopted with 25 ayes, 10 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Chronister asked unanimous consent to be excused for the remainder of the day. No ojections. So ordered.

Mrs. Higgins moved to re-refer the bill back to the Reference Committee.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mrs. Higgins moved for a Call of the House. The motion prevailed with 17 ayes, 14 nays, and 18 not voting.

Mrs. Higgins requested a roll call vote on her motion.

Voting in the affirmative, 19:

Beutler
Carsten
DeCamp
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Koch
Labedz
Lamb
Maresh
Marvel
Schmit
Stoney
Von Minden
Wiitala

Voting in the negative, 24:

Burrows
Chambers
Cope
Cullan
Dworak
Fenger
Hoagland
Johnson, V.
Kahle
Kilgarin
Kremer
Landis
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Wagner
Warner
Wesely

Excused and not voting, 6:

Barrett Beyer Chronister Clark Fowler
Peterson, H.

The Higgins motion lost with 19 ayes, 24 nays, and 6 excused and not voting.

Mr. Lamb asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

LB 129 pending.

VISITORS

Visitors to the Chamber were Mrs. Carolyn Rupprecht from Schuyler; and Dr. H. A. Askey and daughter, Dorothy Askey Forke from Lincoln.

ADJOURNMENT

Mr. Beutler moved to adjourn. The motion prevailed with 26 ayes, 8 nays, 8 present and not voting, and 7 excused and not voting, and at 4:47 p.m., on a motion by Mr. Beutler, the Legislature adjourned until 9:00 a.m., Thursday, April 2, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL
OF THE
STATE OF NEBRASKA
Volume 2

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

CONVENED JANUARY 7, 1981 ADJOURNED MAY 29, 1981

LINCOLN, NEBRASKA

Compiled

Under Authority of the Legislature

by

Pactrick J. O'DONNELL, CLERK

FIFTY-SIXTH DAY - APRIL 2, 1981

LEGISLATIVE JOURNAL

FIFTY-SIXTH DAY - APRIL 2, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 2, 1981

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Pastor Jack Glass, The First Assembly of God Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Clark and Nichol who were excused; and Miss Kilgarin, Messrs. Burrows, Cullan, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Fifth Day was approved.

NOTICE OF COMMITTEE HEARING
Appropriations

Room 1520, Moses P. Kinkaid Memorial Hearing Room

LB 556 Thursday, April 9, 1981 7:00 p.m.

(Signed) Jerome Warner, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 284. Placed on Select File as amended.
E & R amendment to LB 284:

1. In the title, strike lines 2 to 13 and insert:

"FOR AN ACT relating to political subdivisions; to provide for replacement revenue; to adopt the Local Revenue Sharing and Property Tax Relief Act; to amend section

77-27,132, Reissue Revised Statutes of Nebraska, 1943, sections 68-1022 and 77-3523, Revised Statutes Supplement, 1980, and Laws 1980, LB 1002, section 5; to provide severability; to provide operative dates; to repeal the original sections, and also sections 77-27,139, 77,27,140, and 77-27,143 to 77-27,148, Reissue Revised Statutes of Nebraska, 1943, and sections 77-27,136, 77-27,137, 77-27,137.01, 77-27,142 to 77-27,142.05, and 77-3601 to 77-3604, Revised Statutes Supplement, 1980, Laws 1980, LB 882 A, sections 1 and 2; to provide for repeal of sections 1 to 5 of this act; and to declare an emergency.''.

LEGISLATIVE BILL 284A. Placed on Select File.

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 72 and 205.

(Signed) Karen Kilgarin, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 1, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Primeau, Lawrence S. - Omaha, Distilled Spirits Council of the United States
Ryan, James E. - Lincoln, Mid-America Lumbermens Association

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 11 in the Journal. No objections. So ordered.

(White Copy Request 2167)

1. On page 14, line 26 after ''by'' insert ''an officer of the board or''.

2. On page 16, line 18 and page 27, line 18 strike "section 31" and insert "sections 31 and 40".

3. On page 22, line 21 strike "section" and insert "sections 31 and".

4. On page 28, line 7, after "by" insert "an officer of the board or".

5. On page 30 after line 14 insert a new subsection as follows:

"(7) The board may transfer full-time staff of the Division of Wheat Development, Utilization, and Marketing to the Nebraska Wheat Development, Utilization, and Marketing Board on the operative date of the section. Any individual so transferred shall not lose any sick or vacation leave or other benefits or vested rights acquired while employees of such division as a result of such transfer.".

6. Strike original section 43.

7. On page 30, line 18; page 31, lines 2 and 6; page 34, line 20; page 36, line 5; page 39, line 11; and page 40, lines 6 and 11 strike "45 and 54" and insert "44 and 53".

8. On page 39, line 14, after "by" insert "an officer of the board or".

9. On page 42, line 12, strike "54 and 59" and insert "53 and 58" and in line 27 strike "2-3611,".

10. On page 44, line 1, strike "2-3611,".

11. Renumber original sections 44 through 60 as sections 43 through 59 respectively.

Mr. H. Peterson asked unanimous consent to print the following amendment to LB 512 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2255.)

UNANIMOUS CONSENT - Add Co-Introducer

Messrs. Sieck and Kahle asked unanimous consent to have their names added to LB 529. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 50. Title read. Considered.

LR 50 was adopted with 36 ayes, 0 nays, and 13 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 174. With Emergency.

A BILL FOR AN ACT relating to obsolete statutory language; to amend sections 47-114 and 54-724, Reissue Revised Statutes of Nebraska, 1943, and section 60-556, Revised Statutes Supplement, 1980; to eliminate a duty for sheriffs; to change certain provisions relating to livestock; to eliminate a provision relating to removal from office of certain peace officers and law enforcement officers; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 2:

Hoagland
Johnson, V.

Excused and not voting, 6:

Burrows
Clark
Cullan
Kilgarin
Nichol
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 17 to Select File

Mr. Koch moved to return LB 17 to Select File for the specific amendment found in the Journal on page 1210.

The motion prevailed with 32 ayes, 4 nays, 9 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 17. The Koch specific amendment found in the Journal on page 1210 was adopted with 34 ayes, 2 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Withdraw Amendment on LB 17

Mrs. Pirsch asked unanimous consent to withdraw her pending amendment to LB 17 found in the Journal on page 1252. No objections. So ordered.

MOTION - Return LB 17 to Select File

Mr. Stoney moved to return LB 17 to Select File for the following specific amendment:

(Final Reading Copy)

1. On page 3, lines 9 through 12, strike the new matter and reinstate the stricken matter; in line 9 strike "or resolution" and show as stricken, and after "and" insert ", in the case of a budget limitation approved prior to the effective date of this act,"; in line 10 strike "thereafter", show as stricken, and insert "following such approval". and after "may" insert "not"; and in line 11 strike "not" and show as stricken.

2. On page 5, line 14, after "77-3410." insert "(1)"; in line 15 after "77-3411" insert "after the effective date of this act"; and in line 26 after the period start a new paragraph and insert "(2) Any limitation placed on budgets pursuant to sections 77-3401 to 77-3411 prior to the effective date of this act shall remain in effect", reinstate the stricken matter, and after "of" insert "those voting on the question".

3. On page 6, reinstate the stricken matter beginning with "vote" in line 1 through the period in line 6; in line 3 before "primary" insert "general,", and after "primary" insert an underscored comma; and in line 6 after "77-3411" insert ", except that petititons shall only require the signatures of five per cent of the registered voters in

the political subdivision and such elections may be called by a resolution of the governing body of the political subdivision”.

4. Strike original section 7.

5. Renumber original sections 8 and 9 as sections 7 and 8, respectively.

Mr. Stoney requested a roll call vote.

Voting in the affirmative, 17:

Beutler
Burrows
Carsten
Cope
Dworak
Fenger
Haberman
Higgins
Labedz
Lamb
Maresh
Peterson, R.
Pirsch
Remmers
Schmit
Stoney
Von Minden

Voting in the negative, 28:

Barrett
Beyer
Chambers
Chronister
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Landis
Marsh
Marvel
Newell
Peterson, H.
Rumery
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Present and not voting, 1:

DeCamp

Excused and not voting, 3:

Clark
Cullan
Nichol

The motion to return to Select File lost with 17 ayes, 28 nays, 1 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 351.

A BILL FOR AN ACT to amend sections 80-301 and 81-1108.36, Revised Statutes Supplement, 1980, relating to state buildings; to name a veterans’ home as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Cope
DeCamp
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Maresh
Marsh
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 4:

Chambers
Dworak
Landis
Vickers

Present and not voting, 2:

Fitzgerald
Stoney

Excused and not voting, 3:

Clark
Cullan
Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 446. With Emergency.

A BILL FOR AN ACT relating to elections; to amend sections 32-216, 32-265, 32-403, 32-424, 32-425, 32-450, 32-451, 32-456, 32-471, 32-4,132, 32-504, 32-510, 32-519, 32-519.01, 32-526, 32-702, 32-703, 32-711, 32-713, 32-803, 32-819, 32-1001.44, 32-1241, 79-106, 79-1003, and 79-2646, Reissue Revised Statutes of Nebraska, 1943, and sections 16-302.01, 17-104, 17-107.02, 32-212, 32-4,152, and 32-537, Revised Statutes Supplement, 1980; to delete obsolete matter; to change provisions relating to voter registration, election officials, candidate eligibility, compensation, prohibited acts, filings, ballots, employees serving as election officials, and election procedures as prescribed; to repeal the original sections, and also section 32-428.01, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 44:

Barrett
Beyer
Carsten
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Beutler
Burrows

Excused and not voting, 2:

Clark
Nichol

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 125 to Select File

Mr. V. Johnson moved to return LB 125 to Select File for the following specific amendment:
Strike the enacting clause.

The motion to return LB 125 to Select File lost with 11 ayes, 28 nays, 8 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 125. With Emergency.

A BILL FOR AN ACT relating to insurance; to restrict the coverage provided under certain contracts or agreements as prescribed; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 34:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Goodrich
Hefner
Higgins
Johnson, L.
Kahle
Kilgarin
Labedz
Lamb
Maresh
Marvel
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wiitala

Voting in the negative, 11:

Chambers
Fowler
Goll
Haberman
Hoagland
Johnson, V.
Koch
Landis
Marsh
Warner
Wesely

Present and not voting, 2:

Kremer
Newell

Excused and not voting, 2:

Clark
Nichol

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 190. Mr. Warner asked unanimous consent to pass over. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 190 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1. On page 2, strike beginning with "Each" in line 17 through the underscored period in line 27 and insert "There is hereby levied an excise tax on each railroad transporting freight in the State of Nebraska. Such tax shall be levied at the rate of six and seven-tenths cents for each train mile operated by such railroad in the state and one hundred dollars for each public grade crossing on the line of such railroad in the state. The Department of Revenue shall collect the tax due pursuant to this section from each railroad transporting freight within the state.".

2. On page 3, line 7, strike "assessed" and insert "taxed"; in line 9 after "1981" insert "tax"; in line 11 strike "assessments" and insert "taxes"; in line 12 strike "in" and insert "on a"; in line 13 strike "installments" and insert "basis"; in line 14 strike "installments" and insert "payments"; in line 23 reinstate "tax"; and in line 24 strike "assessment".

3. On page 4, line 1 reinstate the stricken matter; strike beginning with "as" in line 2 through "of" in line 5 and insert "for the purpose of constructing, rehabilitating, relocating, or modifying".

4. In the title, strike beginning with "grade" in line 4 through the semicolon in line 8 and insert "an excise tax as prescribed; to provide a duty;".

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 5.

(Signed) Karen Kilgarin, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 5.

SELECT FILE

LEGISLATIVE BILL 39. Mr. Warner renewed his pending motion to indefinitely postpone found in the Journal on page 1184.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Warner motion to indefinitely postpone lost with 15 ayes, 21 nays, 11 present and not voting, and 2 excused and not voting.

Mr. Warner requested a machine vote to advance the bill.

Mr. Kahle moved for a Call of the House. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Advanced to E & R for Engrossment with 25 ayes, 14 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 39A. Mrs. Marsh requested a machine vote to advance the bill.

Advanced to E & R for Engrossment with 28 ayes, 10 nays, 9 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Wesely and Schmit asked unanimous consent to print the following amendment to LB 389 in the Journal. No objections. So ordered.

AMENDMENTS TO COMMITTEE AMENDMENTS REQ. 2185

1. Strike committee amendments 2, 4, 9, and 10.

2. Insert the following new amendments:

“2. On page 3, strike beginning with ‘is’ in line 6 through ‘months’ in line 10 and insert ‘has a medically determinable severe, chronic disability which: (a) Is attributable to a mental or physical impairment or combination of mental and physical impairments; (b) is likely to continue indefinitely; (c) results in substantial functional limitations in two or more of the following areas of major life activity: (i) Self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, (vii) work skills or work tolerance, and (viii) economic sufficiency; and (d) reflects the person’s need for a combination and sequence of special, interdisciplinary, or generic care, treatment, vocational rehabilitation, or other services which are of lifelong or extended duration and are individually planned and coordinated’.

4. On page 5, line 2, strike ‘an’; and in line 22 strike ‘may’ and insert ‘shall’.

9. Insert the following new section:

‘Sec. 17. The department may expend funds for the administration of this act and support pursuant to this act, except that such expenditures shall not exceed five hundred thousand dollars in any one fiscal year.’.

10. Renumber original sections 17 to 20 as sections 18 to 21, respectively.".

3. On page 1, strike beginning with "strike" in line 11 through the first comma in line 12; strike beginning with "in" in line 13 through the first semicolon in line 16; and in line 20 strike "and resources".

4. On page 3, line 19, after the second semicolon insert "in line 18 after the period insert 'The department shall not provide support, pursuant to this act, to any family or disabled person whose gross income exceeds the median family income for a family of four in Nebraska, except that the department shall make adjustments for the actual size of the family.'"; strike beginning with "in" in line 22 through the second semicolon in line 23 and insert "in line 19 strike the period and insert a semicolon;"; and in line 24 strike "subdivision" and insert "subdivisions".

5. On page 4, line 1, strike the period and insert "; and (7) An annual determination of the family income guidelines necessary to carry out the provisions of section 12 of this act. Such guidelines shall be based on population, per capita income, and other data provided by the United States Department of Commerce, Bureau of the Census.".

Mr. Koch asked unanimous consent to print the following amendment to LB 298 in the Journal. No objections. So ordered.

1. Strike Standing Committee amendments 2 and 4.

2. In Standing Committee amendment 3 strike "; and in line 23 strike ", 15-1102,"".

3. On page 4, line 20, strike "homes on" and insert "home subdivisions and", and strike "and" and insert "in such".

VISITORS

Visitors to the Chamber were 55 fourth grade students, sponsors, and teachers from Sunset Hills and Swanson Schools, Omaha; and 18 ninth grade students and teachers from Horace Mann School, Omaha.

RECESS

At 11:56 a.m., on a motion by Mrs. Higgins, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:37 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Haberman, and Nichol who were excused; and Mesdames Labedz, Marsh, Pirsch, Messrs. Beutler, Burrows, Fitzgerald, V. Johnson, Lamb, Remmers, and Von Minden who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 167. Messrs. Schmit and V. Johnson renewed their pending amendment found in the Journal on page 1211.

The amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Messrs. Hoagland and Warner renewed their pending amendment found in the Journal on page 1263.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Hoagland-Warner pending amendment was adopted with 25 ayes, 10 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Hefner asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Advanced to E & R for Engrossment with 26 ayes, 6 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 384. E & R amendments found in the Journal on page 1195 for the Fifty-Third Day were adopted.

Laid over.

LEGISLATIVE BILL 59. E & R amendments found in the Journal on page 1195 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 168. E & R amendments found in the Journal on page 1196 for the Fifty-Third Day were adopted.

Mr. Carsten renewed his pending amendment found in the Journal on page 1186.

The amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 168A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 329. E & R amendment found in the Journal on page 1202 for the Fifty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 333. E & R amendment found in the Journal on page 1202 for the Fifty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendments to LB 384 in the Journal. No objections. So ordered.

1. On page 3, line 17, after "enterprises" insert "of usual and customary size for such farming operations within the community".

2. On page 6, line 22, after "borrower" insert "within ten years", and in line 27 after the period insert "Nothing in this section shall prohibit a person from applying for a subsequent loan.".

3. In the Schmit amendment beginning on page 1147 of the Journal, on page 2, line 14, strike "a lender" and insert "two lenders"; in line 17 strike "lender" and insert "lenders"; and in line 23 after "markets" insert "or other sources".

1. On page 21, after line 18 insert:

"Sec. 34. For each loan made, purchased, sold, assigned or committed for use in agricultural enterprises pursuant to the provisions of this act, the corporation shall prepare an individual written report which includes the following information:

"(1) The name and description of the lender;

"(2) The name of the loan guarantor or loan insurer, when applicable;

"(3) The amount and purpose of the loan;

"(4) A description of the agricultural enterprise for which the loan is to be used, including the county in which it is located;

"(5) The rate of interest applicable to the loan and the current interest rate in the conventional farm credit market for that locality;

"(6) The maturity date of the loan;

"(7) All conditions attaching to the loan;

"(8) The amount and description of fees associated with servicing and processing the loan;

"(9) Whether the borrower is an individual farmer, a farm partnership, corporation or other entity;

"(10) The age of the borrower or, if the borrower is a farm partnership, corporation or other entity, the ages of all of the owners, partners or stockholders;

"(11) A statement of the gross farm sales, total assets, total liabilities and net worth of each borrower;

"(12) A description of the efforts made by the borrower to obtain credit elsewhere."

"Sec. 35. The reports required pursuant to Section 34 of this act shall be public information. No such report shall reveal the name of any individual borrower. The corporation shall, following the close of each fiscal year, deliver to the Governor and to the Clerk of the Legislature, a set of the individual reporting forms from the preceding year."

2. Renumber the original sections accordingly.

3. On page 31, line 25 after the period insert "This report shall include a showing of the distribution of borrowers according to personal net worth, family net worth and gross farm sales."

Mr. Koch asked unanimous consent to print the following amendment to LB 39 in the Journal. No objections. So ordered.

1. In the Standing Committee amendments line 4 after "1981," insert "and thereafter,"; and strike beginning with "percent" in line 5 through "ten" in line 7.

2. Strike the Enrollment and Review amendment adopted March 25, 1981.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 293. Indefinitely postponed.

(Signed) Samuel K. Cullan, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 483. Messrs. Maresh and DeCamp offered the following amendment:

1. Insert new sections as follows:

"Sec. 2. Any person with a retailer's license issued pursuant to Chapter 53, article 1, shall be liable for any injury to a patron which occurs on the premises of the retailer resulting from the patron's use or participation with any mechanical riding device provided for the entertainment, enjoyment, or pleasure of patrons. The liability established by this section may not be waived by a patron.

Sec. 2. Section 2 of this act shall become operative on January 1, 1982.".

2. Renumber original section 2 as section 4.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 12 ayes, 5 nays, and 32 not voting.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 23:

Burrows
Chronister
Cope
DeCamp
Fowler
Goodrich
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Maresh
Marsh
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Sieck
Wesely

Voting in the negative, 19:

Barrett
Beutler
Beyer
Carsten
Dworak
Fenger
Fitzgerald
Koch
Lamb
Landis
Marvel
Newell
Peterson, R.
Stoney
Vickers
Von Minden
Wagner
Warner
Wiitala

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Clark	Goll	Haberman	Hefner	Nichol

Absent and not voting, 1:

Cullan

The Maresh-DeCamp amendment lost with 23 ayes, 19 nays, 1 present and not voting, 5 excused and not voting, and 1 absent and not voting.

Mrs. Labedz asked unanimous consent to withdraw her pending amendment referred to in the Journal on page 1261. No objections. So ordered.

The Chair declared the Call raised.

Mrs. Labedz and Mr. Newell offered the following amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2269.)

Mr. DeCamp, Mrs. Labedz, and Mr. Newell offered the following amendment to the Labedz-Newell amendment:

To amend the amendment to LB 483, Req. 2269, on page 10, strike "he or she" and insert "the distributor, wholesaler, or retail licensee"

Mr. Beyer moved the previous question. The question is "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The DeCamp-Labedz-Newell amendment to the Labedz-Newell amendment was adopted with 26 ayes, 3 nays, 15 present and not voting, and 5 excused and not voting.

MR. KAHLE PRESIDING

Mr. Wiitala moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

SPEAKER MARVEL PRESIDING

The Labedz-Newell amendment, as amended, was adopted with 28 ayes, 2 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Barrett
Beyer
Burrows
Chronister
DeCamp
Dworak
Fenger
Fitzgerald
Goodrich
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Maresh
Marsh
Newell
Peterson, H.
Remmers
Schmit
Sieck
Von Minden
Wagner
Wiitala

Voting in the negative, 4:

Chambers
Landis
Marvel
Vickers

Present and not voting, 15:

Beutler
Carsten
Cope
Cullan
Fowler
Higgins
Hoagland
Koch
Kremer
Peterson, R.
Pirsch
Rumery
Stoney
Warner
Wesely

Excused and not voting, 5:

Clark
Goll
Haberman
Hefner
Nichol

Advanced to E & R for Engrossment with 25 ayes, 4 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Goodrich asked unanimous consent to expedite LB 483.

Mr. Beutler objected.

Mr. Goodrich moved to expedite LB 483.

Motion pending.

ATTORNEY GENERAL'S OPINION

Opinion No. 64
April 1, 1981

Dear Senator Koch:

You have requested the opinion of this office regarding a proposed amendment to Neb.Rev.Stat. §77-1619 (Reissue 1976), set forth in

Section 12 of LB 179. Section 12 would require the governing body of any political subdivision of this state to pay any judgment recovered against any officer or employee of such political subdivision if he or she " . . . acted reasonably and in good faith performance of his or her public duty or official capacity . . ."

Your inquiry refers to a recent opinion of this office, No. 30, regarding LB 120, wherein we essentially concluded that a successful plaintiff in a mandamus action could recover attorney fees from a defendant public official and that we were aware of no formal policies for reimbursement to such officials by the State of Nebraska, nor could we respond definitively regarding possible policies of political subdivisions. You have inquired: "Does this amendment provide adequate policy to reimburse the personal defendant?"

Initially, we note that, by its terms, Section 12 only applies to the payment of judgments recovered against officials and employees of political subdivisions, as distinguished from officials and employees of the state itself. The term, political subdivision, generally contemplates an entity with fixed geographical area and boundaries, public elections, taxing power and a general purpose or benefit. Catania v. University of Nebraska, 204 Neb. 304, 308, 287 N.W.2d 27 (1979). The term, political subdivision, does not generally encompass state agencies, departments or boards which act as direct instrumentalities of the state and which are in essence "alter egos of the state itself." Id, 204 Neb. at 309.

The Nebraska Supreme Court has held that an award of costs and attorney fees is part of the judgment. Muss v. Mahloch Farms Co., 187 Neb. 151, 181 N.W.2d 258 (1970). Therefore, an award of attorney fees against a defendant official in a mandamus action would be part of the judgment recovered by the plaintiff and thus, under Section 12 of LB 179, the political subdivision would be responsible for the payment of such fees.

However, by its terms, Section 12 of LB 179 would not require a political subdivision to pay a judgment recovered against an officer or employee who did not act ". . . reasonably and in good faith in the performance of his or her public duty or official capacity . . . ." This exception would not necessarily exclude judgments recovered against officials or employees in a mandamus action, as the reasonableness or good faith of the official is not at issue in such actions. To successfully obtain a writ of mandamus, essentially the plaintiff needs to prove that the official or employee had a clear duty established by law to perform a ministerial act. State ex rel. Krieger v. Board of Supervisors of Clay County, 171 Neb. 117, 105 N.W.2d 721 (1960). Whether an official or employee acted reasonably and in good faith is a question of fact to be determined under Section 12 of LB 179, at least in the first instance, by the governing body of the political subdivision.

In summary, in our opinion, Section 12 of LB 179 does establish a policy for reimbursement of the official or employee defendant by the political subdivision (or more precisely, payment by the political subdivision in lieu of the individual officer or employee), if a judgment, including an award of attorney fees obtained in a mandamus action, unless the official or employee has acted unreasonably and in bad faith.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Fritz
Assistant Attorney General

LF:jmf
cc: Patrick J. O'Donnell
Clerk of the Legislature

VISITORS

Visitors to the Chamber were 56 students and teachers from Doniphan Elementary School; and 9 students and teacher from St. Michael's School, Albion.

ADJOURNMENT

Mr. Barrett moved to adjourn. The motion prevailed and at 3:58 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 9:30 a.m., Monday, April 6, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 6, 1981

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 6, 1981

Pursuant to adjournment, the Legislature met at 9:38 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Senator Rumery.

ROLL CALL

The roll was called and all members were present except Mr. Beutler who was excused; and Messrs. Haberman, Schmit, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Sixth Day was approved.

ANNOUNCEMENT

The Speaker announced today is Senator Kahle's birthday.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 40. Placed on Select File.
LEGISLATIVE BILL 22A. Placed on Select File.
LEGISLATIVE BILL 158A. Placed on Select File.
LEGISLATIVE BILL 317A. Placed on Select File.

LEGISLATIVE BILL 298. Placed on Select File as amended.
E & R amendment to LB 298:

1. In the title, line 3, strike ", 15-1102,"; insert "and" at the end of line 5; and in lines 6 and 7 strike "; and to declare an emergency".

LEGISLATIVE BILL 253. Placed on Select File as amended.
E & R amendments to LB 253:

1. On page 11, insert an underscored comma after "imposed" in line 7 and the first "1981" in line 25.

2. Having originally been misnumbered, renumber original sections 28 and 29 as sections 26 and 27.

3. On page 19, line 20, insert ", 81-1551" after "81-1549".

4. In the title, line 5, insert ", 81-1551" after "81-1549".

LEGISLATIVE BILL 253A. Placed on Select File.

LEGISLATIVE BILL 271. Placed on Select File as amended.
E & R amendment to LB 271:

1. On page 6, line 8, strike the comma.

LEGISLATIVE BILL 132. Placed on Select File as amended.
E & R amendments to LB 132:

1. In S C amendments, page 3, line 25, insert a comma after "has".

2. In S C amendments, page 4, line 25, and page 7, line 4, insert a comma after "agency".

3. On page 10, line 17, strike "section 84-306.04" and insert "sections 84-306.01 to 84-306.05".

4. On page 11, line 12, strike "are entitled to" and insert "may".

5. In S C amendments, page 15, line 10, strike "and"; and in line 16, strike "through" and insert "to".

6. In S C amendments, page 21, line 14, strike the first comma.

7. In S C amendments, page 22, line 22, insert a comma after "cities".

8. In S C amendments, page 26, line 3, strike the second comma.

9. In S C amendments, page 28, line 17, strike the comma.

10. On page 23, line 16, strike the second "or".

11. On page 29, line 2, strike "herein" and insert "in this section".

12. On page 32, line 10, insert a comma after "conditions".

13. On page 35, line 19, insert a comma after "agencies"; and in line 27, strike the comma.

14. In S C amendments, page 30, line 18, strike the first period.

15. In the title, line 3, strike "and" and insert "; and to declare an emergency" after "severability".

LEGISLATIVE BILL 466. Placed on Select File as amended.
E & R amendment to LB 466:

1. In the title, line 2, insert "71-2017.01, Reissue Revised Statutes of Nebraska, 1943, and section" after "section"; at the end of line 4 insert "to require licensing of certain clinics;" and in line 5 strike "section" and insert "sections".

(Signed) Karen Kilgarin, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolution: LB's 174, 351, 446, 125, and LR 50.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 2, 1981, at 3:00 p.m., was the following bill: 5.

(Signed) Hazel Kaltenberger, Enrolling Clerk

MESSAGES FROM THE GOVERNOR

April 3, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 47, 84, 151, 220, and 313 were received in my office on April 1, 1981.

These bills were signed by me on April 3, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

April 3, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

In keeping with established policy, I have forwarded proposed Constitutional amendment LB 5 to the Secretary of State without action.

Respectfully,
(Signed) CHARLES THONE
Governor

CT:mh

MOTION - Print in Journal

Mr. Newell moved to return LB 167 to Select File to strike the Enacting Clause.

Laid over.

REPORT

Received report from State Building Division for Review of Preliminary Plans and Construction Contract for Maintenance Building at South Sioux City pursuant to Reissue Revised Statute 81-1108.41.

RESOLUTIONS

LEGISLATIVE RESOLUTION 48. Read. Considered.

LR 48 was adopted with 37 ayes, 0 nays, and 12 not voting.

LEGISLATIVE RESOLUTION 49. Read. Considered.

LR 49 was adopted with 41 ayes, 0 nays, and 8 not voting.

MOTION - Return LB 290 to Select File

Mr. Maresh moved to return LB 290 to Select File for the following specific amendment:
Strike the "Haberman Amendment".

MR. NICHOL PRESIDING

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 4 nays, and 15 not voting.

The Maresh motion to return LB 290 to Select File prevailed with 25 ayes, 20 nays, 2 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 290. The Maresh specific amendment found in this day's Journal was considered.

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

The Maresh specific amendment was adopted with 25 ayes, 23 nays, and 1 excused and not voting.

Mr. Kremer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Koch requested a machine vote to advance the bill.

Advanced to E & R for Re-Engrossment with 28 ayes, 11 nays, 9 present and not voting, and 1 excused and not voting.

SPEAKER MARVEL PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 291.

A BILL FOR AN ACT relating to public health and welfare; to prohibit the sale of certain cans with removable tabs as prescribed; to provide a penalty; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Vickers

Present and not voting, 4:

Chambers
Fitzgerald
Newell
Rumery

Excused and not voting, 1:

Beutler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 311.

A BILL FOR AN ACT to amend section 14-1005, Reissue Revised Statutes of Nebraska, 1943, relating to metropolitan water districts; to allow increases in salaries for members of the board of directors as prescribed; to provide for payment of expenses; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 3:

Chambers
Kilgarin
Pirsch

Present and not voting, 2:

Higgins
Wagner

Excused and not voting, 1:

Beutler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Higgins asked unanimous consent to be excused for a short time. No objections. So ordered.

LEGISLATIVE BILL 355.

A BILL FOR AN ACT to amend sections 44-407.01 to 44-407.06 and 44-502, Reissue Revised Statutes of Nebraska, 1943, and sections 44-404, 44-407, 44-407.08, and 44-407.09, Revised Statutes Supplement, 1980, relating to insurance; to establish standards of valuation, interest rates, and reserves as prescribed; to change the standard Nonforfeiture Law for Life Insurance as prescribed; to change provisions on interest rates on life insurance policy loans as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 4:

Burrows
Chambers
Cullan
Kilgarin

Present and not voting, 2:

Hoagland
Pirsch

Excused and not voting, 2:

Beutler
Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 56.

A BILL FOR AN ACT relating to ground water; to adopt the Industrial Ground Water Regulatory Act; to amend section 33-105, Revised Statutes Supplement, 1980; to provide fees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 8:

Clark	Haberman	Nichol	Schmit
DeCamp	Johnson, L.	Peterson, H.	Wagner

Present and not voting, 1:

Labedz

Excused and not voting, 1:

Beutler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 65

April 2, 1981

Dear Senator V. Johnson:

This is in response to your letter of March 30, 1981, regarding the possible introduction of legislation which would provide that the Nebraska Equal Opportunity Commission (NEOC) could award attorneys' fees in employment discrimination cases.

Neb.Rev.Stat. §48-1119(3) (Reissue 1978) presently states that if the NEOC finds that a person, employer, labor organization or employment agency:

> has intentionally engaged in or is intentionally engaging in any unlawful employment practice, it shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful employment practice and order such other affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without back pay.

It has been the opinion of this office that this language does not permit the NEOC to award costs for attorneys' fees as part of the appropriate relief. (OAG 123, August 15, 1977). The Nebraska Legislature, in 1977, rejected an amendment which would have permitted the awarding of "cost of the public hearing and reasonable costs for attorneys' fees." (LB 161) The judiciary committee "didn't feel that the Commission should have the power to set up attorney fees." (March 31, 1977 floor debate - p.02313).

It is our opinion that it would not be improper to amend the statute to include a provision for attorneys' fees. The current procedure for hearings in employment discrimination cases is as follows. If the NEOC determines that there is reasonable cause to believe that employment discrimination has taken place (Neb.Rev.Stat. §48-1118 (Supp. 1980) and any informal attempts at conciliation have failed (Neb.Rev.Stat. §48-1119(1) (Reissue 1978), the Commission may order a public hearing. At the hearing the parties are the aggrieved complainant and the respondent who allegedly committed the discriminatory act. The hearing is before a hearing examiner appointed by the NEOC (Fair Employment Practice Act rule 3-(2)(a)). After the hearing is complete, the examiner submits a recommended order and decision to the Commission (rule 3(8)). The Commission, after reviewing the record of the hearing and the recommended order, makes a final order and decision (rule 4(1)). The aggrieved party may appeal to district court (Neb.Rev.Stat. §48-1120(1) (Reissue 1978)); the court may in its discretion award reasonable attorneys' fees to the prevailing party as part of the costs (Neb.Rev.Stat. §48-1120(6) (Reissue 1978)).

The NEOC is not a party to the public hearings. It would not be subject to costs or the payment of attorneys' fees. It is our view that Article XIII, Section 3 of the Nebraska Constitution, which states, "The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, . . ." is not involved. Public monies are not given in aid of either of the parties before the Commission.

Neither the NEOC nor the Attorney General represent the complainant at the hearing. The language in Neb.Rev.Stat. §48-1116 (Reissue 1978) states that the Attorney General shall represent the Commission and aid in investigations or hearings; it does not refer to individual parties before the Commission.

Another point to be considered is that the language of the 1977 bill would have provided that the Commission could award costs or attorneys' fees to the successful party who could be either the complainant, or, if no discrimination was shown, the respondent. Furthermore, such payments would have been discretionary by the Commission. The language of Neb.Rev.Stat. §48-1119(3) (Reissue 1978) as it is now written only permits affirmative relief to successful complainants.

In conclusion, we are of the opinion that the Fair Employment Practice Act as it currently stands does not permit the NEOC to award costs or attorneys' fees to successful parties before it and that the Nebraska Constitution does not prohibit such costs from being awarded because they would be paid by the unsuccessful party. Any proposed bill should make clear whether attorneys' fees could be borne by unsuccessful complainants as well as respondents and whether the award of such costs would be discretionary by the NEOC.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Dale D. Brodkey
Assistant Attorney General

DDB:kkh
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 66
April 3, 1981

Dear Senator Landis:

This is in reply to your recent letter concerning LB 327, now pending in the Legislature.

According to your later call, you have withdrawn your first question because you plan to remove the reference to bankruptcy in your amendment to said bill.

In regard to your second question as to whether or not LB 327 would endanger the waiver of federal bankruptcy exemptions accomplished by LB 940 in 1980, it would have no effect. Section 1 of said LB 940 specifically provides that, "The federal exemptions provided in 11 U.S.C. 522, subsection (d), are hereby rejected by the State of Nebraska. The State of Nebraska elects to retain the personal exemptions provided under Nebraska statutes and the Nebraska Constitution . . ."

Subsection (d) of 11 U.S.C. §522, referred to in the above quote, lists the exemptions allowed under (b) (1) of said section of the Bankruptcy Act.

Subsection (b) (1) provides in pertinent part that a bankruptcy debtor may exempt property that is specified under subsection (d), above referred to, unless the state law where the debtor has had his domicile, as defined, specifically does not so authorize.

The beginning of section 1 of LB 940 fulfills this latter requirement by specifically rejecting the exemptions under said subsection (d).

Subsection (d) (2) (A) of the same section of the Bankruptcy Act then provides that, in the alternative, a debtor may exempt any property that is exempt under the state law of the domicile of the debtor as defined in said section.

Therefore, since the state has specifically rejected the provisions of said subsection (d) of 11 U.S.C. §522 and has made provisions under state law, we are of the opinion that LB 327 does not endanger the accomplishments of LB 940 of 1980.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 6, 1981, at 11:33 a.m., were the following bills: 174, 351, 446 and 125.

(Signed) Hazel Kaltenberger, Enrolling Clerk

STANDING COMMITTEE REPORT
Public Health and Welfare

The Committee on Public Health and Welfare desires to report favorably upon the appointments or reappointments listed below. The Committee on Public Health and Welfare suggest the appointments or reappointments be confirmed by the Legislature and suggests a record vote.

Dr. M. L. Chaloupka, Rural Health Manpower Commission

Vote For: Senators Cullan, Barrett, Fenger, R. Peterson, Maresh. Against: None. Not Voting: Senator Higgins. Absent: Senator Wesely.

Mr. John Estabrook, State Board of Health

Vote For: Senators Cullan, Fenger, R. Peterson, and Maresh. Against: None. Not Voting: Senators Barrett and Higgins. Absent: Senator Wesely.

Mrs. Ramona Freeman, Rural Health Manpower Commission

Vote For: Senators Cullan, Barrett, R. Peterson, and Maresh. Against: None. Not Voting: Senators Fenger and Higgins. Absent: Senator Wesely.

Dr. Dwaine Peetz, Rural Health Manpower Commission

Vote For: Senators Cullan, Barrett, R. Peterson, and Maresh. Against: None. Not Voting: Senators Fenger and Higgins. Absent: Senator Wesely.

Dr. Robert Quick, Rural Health Manpower Commission

Vote For: Senators Cullan, Fenger, R. Peterson, Wesely, and Maresh. Against: None. Not Voting: Senators Barrett and Higgins. Absent: None.

Mr. Tod Voss, Rural Health Manpower Commission

Vote For: Senators Cullan, Fenger, R. Peterson, Wesely, and Maresh. Against: None. Not Voting: Senators Barrett and Higgins. Absent: None.

(Signed) Samuel K. Cullan, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 384 in the Journal. No objections. So ordered.

1. On page 6, line 27, after "issued." insert "The loan agreement shall also provide that it is not subject to assumption by any person who does not qualify for the issuance of a loan under this act."
2. On page 23, line 16, strike "fifty" and insert "thirty".

SELECT FILE

LEGISLATIVE BILL 407. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 427. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 427A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 157. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 157A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 371. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 280. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 200. Mr. Carsten offered the following amendment:
to strike original Sec. 4 to LB 200.

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 158. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 330. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 58. E & R amendment found in the Journal on page 1203 for the Fifty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 491. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 283. E & R amendment found in the Journal on page 1203 for the Fifty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 87. Mrs. Higgins offered the following amendment:

1) Strike the word "any" in line 12 of page 2 and insert in lieu thereof the words "place said person in any"

2) Insert the following in line 13 of page 2: following the word "or" add "with a"

3) Insert the following after the period at the end of line 14: "An effort to effectuate such a placement is reasonable if the officer contacts those facilities or doctors which have previously represented a willingness to accept and treat individuals in the condition and circumstance of the intoxicated person involved and regularly do accept such individuals."

4) Strike the word "these" in line 15 of page 2 and insert in lieu thereof the words "the above"

5) Insert the following in line 21 of page 2: following the period add "The phrase "to preserve life or prevent injury" as used in this section shall encompass the provision of a secure location where the intoxicated person can recover from the immediate effects of his intoxication."

Laid over.

LEGISLATIVE BILL 437. E & R amendment found in the Journal on page 1203 for the Fifty-Fourth Day was adopted.

Mr. Cullan renewed his pending amendment found in the Journal on page 1226.

The Cullan pending amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 379. E & R amendments found in the Journal on page 1235 for the Fifty-Fifth Day were adopted.

Mr. Wesely offered the following amendment:
1. On page 13, line 26, strike underscored "and" and insert underscored "to".

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 494 in the Journal. No objections. So ordered.

Req. #2261

1. Insert the following new sections:

"Section 1. That section 48-418.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-418.01. It shall be the duty of the state elevator inspector to inspect or cause to be inspected all freight, ~~and~~ passenger, and sidewalk elevators, escalators, moving walks, dumbwaiters, and passenger lifts in this state at least once every twelve months and at such other times as provided in sections 48-418 to 48-418.13 in order to determine whether all such equipment is in a safe and satisfactory condition and properly constructed and maintained for the purpose for which it is used.

Sec. 2. That section 48-418.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-418.02. The Commissioner of Labor and the state elevator inspector shall have the right and power to enter any building or structure, public or private, for the purpose of inspecting any equipment covered by sections 48-418 to ~~48-418.12~~ 48-418.13 or gathering information with reference thereto.

Sec. 3. That section 48-418.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-418.03. Upon making an inspection of any equipment covered by sections 48-418 to ~~48-418.12~~ 48-418.13 and receipt of the inspection fee, the inspector shall give to the owner or user thereof a certificate of inspection, upon forms prescribed by the Commissioner of Labor. The certificate shall be posted in the elevator car and on other equipment as prescribed by the Commissioner of Labor.

Sec. 4. That section 48-418.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-418.04. The provisions of sections 48-418 to ~~48-418.12~~ 48-418.13 shall not apply to ~~(1)~~ elevators, excalators, moving walks, dumbwaiters, and passenger lifts which are (1) under the jurisdiction and subject to inspection by the United States government, (2) ~~elevators~~ used exclusively for agricultural purposes, ~~and~~ or (3) ~~elevators~~ in private residences.

Sec. 5. That section 48-418.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-418.06. The state elevator inspector shall maintain a complete and accurate record of the name of the owner or user of each elevator and other equipment subject to sections 48-418 to ~~48-418.12~~ 48-418.13 and a full description of the equipment and the date when last inspected.

Sec. 6. That section 48-418.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-418.07. The ~~inspections~~ annual inspection required by ~~sections 48-418 to 48-418.12~~ section 48-418.01 shall not be made where any owner or user of any equipment obtains an inspection by a representative of a reputable insurance company licensed to do business in Nebraska, obtains a policy of insurance from such company upon the equipment, and files with the Commissioner of Labor a certificate of inspection by such insurance company and a statement that such equipment is insured and no fee shall be required. No annual inspection shall be required under ~~sections 48-418 to 48-418.12~~ section 48-418.01 when there has been an annual inspection under a city ordinance which meets the standards of the state elevator code.

Sec. 7. That section 48-418.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-418.09. (1) An annual inspection fee ~~of ten dollars per unit plus fifty cents per floor~~ shall be paid by the owner or user for each elevator, escalator, moving walk, dumbwaiter, and passenger lift inspected by the state elevator inspector before the inspection certificate is issued, except that no ~~. No~~ fee shall be charged for the inspection of ~~an elevator~~ equipment in a state-owned building. The fees charged pursuant to this subsection for each unit inspected shall be as follows: For freight and passenger elevators, twenty-seven dollars plus two dollars and fifty cents for each floor over five; for escalators and moving sidewalks, twenty-seven dollars; and for all other equipment subject to the provisions of sections 48-418 to 48-418.13, eighteen dollars and seventy-five cents.

(2) If at any time the owner or user desires a special inspection of an elevator, escalator, moving walk, dumbwaiter, or passenger lift, it shall be made by the elevator inspector after due request therefor. ~~and the inspector making the inspection shall collect his expenses in connection therewith and a~~ A fee of ~~fifteen~~ seventy-five dollars shall be charged for each ~~elevator~~ unit so inspected, except that no fee shall be charged for the inspection of equipment in a state-owned building.

(3) Any person installing or remodeling an elevator, escalator, moving walk, or dumbwaiter subject to the provisions of sections 48-418 to 48-418.13 shall, prior to such installation or remodeling, furnish one set of completed drawings and specifications of the work to be performed to the state elevator inspector for his or her approval. The following fees shall be charged for the inspection of such plans: For freight and passenger elevators, fifty dollars per car; for escalators and moving walks, fifty dollars per section; for sidewalk elevators, thirty-five dollars and fifty cents per unit; and for dumbwaiters, twenty-eight dollars and fifty cents per unit. No fee shall be charged for the inspection of plans for equipment in a state-owned building. No state agency or political subdivision shall approve any building plans or authorize any occupancy permit for any building for which plans required by this subsection have not been approved by the state elevator inspector.

(4) Any equipment covered by the provisions of sections 48-418 to 48-418.13 upon which major alterations have been made shall be inspected by the state elevator inspector before such equipment is returned to service. The same fees as are provided in subsection (1) of this section shall be charged for such inspection.

(5) Any equipment found to be in violation of the provisions of sections 48-418 to 48-418.13 and in need of repair or replacement shall be reinspected by the state elevator inspector before it is returned to service. A

fee of seventy-five dollars per unit shall be charged for such inspection, except that no fee shall be charged for the inspection of equipment in a state-owned building.

Sec. 8. That section 48-418.10, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-418.10. All fees, provided for in ~~sections 48-418 to 48-418.12~~ section 48-418.09, shall be collected by the Commissioner of Labor and remitted to the State Treasurer together with an itemized statement showing the source of collection. Such fees shall be placed in the General Fund.

Sec. 9. That section 48-418.11, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-418.11. Any person, persons, corporations, and the directors, managers, superintendents, and officers of such corporations violating any of the provisions of sections 48-418 to ~~48-418.12~~ 48-418.13, shall be guilty of a Class V misdemeanor. Each violation shall be a separate offense.".

2. On page 2, line 1, after "That" insert "original sections 48-418.01 to 48-418.04, 48-418.06, 48-418.07, and 48-418.09 to 48-418.11, Reissue Revised Statutes of Nebraska, 1943, and also"; and in line 2 strike "is" and insert "are".

3. Renumber original section 1 as section 10.

Mr. Chambers asked unanimous consent to print the following amendment to LB 290 in the Journal. No objections. So ordered.

Return LB 290 to Select File for specific amendment:
Strike new language on page 2; strike Committee and all other amendments except the Warner amendment adopted 3-26-81.

Mr. Landis asked unanimous consent to print the following amendment to LB 327 in the Journal. No objections. So ordered.

1. Amend the Committee Amendment found on page 810 of the Journal by deleting from the new language the words "owned by a debtor in bankruptcy under Title 11 of the United States Code entitled Bankruptcy".

VISITORS

Visitors to the Chamber were 45 students and teachers from Meadow Lane School, Lincoln; 18 students and instructor from Mid-Plains Community College, North Platte; 45 students and teacher from St.

Cecelia, Omaha; and Mrs. Higgins' niece, Mrs. Helen Ayers, her daughter Elaine and friend, Mrs. Carole Winahan, from Omaha.

RECESS

At 12:08 p.m., on a motion by Mrs. Pirsch, the Legislature recessed until 1:15 p.m. The motion prevailed with 16 ayes, 6 nays, and 27 not voting.

AFTER RECESS

The Legislature reconvened at 1:19 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Beutler who was excused; and Messrs. Barrett, Carsten, Cullan, Kremer, Schmit, Sieck, and Wesely who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 129. Title read. Considered.

Mr. Nichol moved to rerefer LB 129 to the Reference Committee.

The motion prevailed with 33 ayes, 2 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 412. Title read. Considered.

Standing Committee amendments, Req. #2092, found in the Journal on page 915 for the Forty-Third Day were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Newell offered the following amendment:

1. On page 4, in lines 8 and 13, strike "additional", show as stricken, and insert "unpaid"; and in line 14 strike "no", show as stricken, and insert "the", after "assessment" insert "provided for in subsection (1) of section 77-1344", and after "had" insert"not".

The amendment lost with 11 ayes, 15 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Warner offered the following amendment:

Amend LB 412 strike the new language on page 4 and reinsert the stricken language in line 10.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Warner moved for a Call of the House. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

The Warner amendment was adopted with 25 ayes, 11 nays, 11 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

MR. CLARK PRESIDING

Mr. Newell offered the following amendment:

1. On page 4, strike lines 8 through 14, show the old matter as stricken and insert:

"(b) Interest upon the amounts of unpaid tax from each year included in subsection (1) (a) of this section at the rate of ten per cent from the dates at which such unpaid taxes would have been payable if no special assessment as agricultural use land under subsection (1) of section 77-1344 had been in effect.".

Mr. Newell moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Newell requested a roll call vote.

Voting in the affirmative, 16:

Carsten
Chambers
Fowler
Haberman
Johnson, V.
Kilgarin
Landis
Newell
Nichol
Pirsch
Remmers
Sieck
Stoney
Von Minden
Wesely
Wiitala

Voting in the negative, 22:

Barrett
Beyer
Burrows
Chronister
Clark
Cope
Dworak
Fenger
Goll
Hefner
Johnson, L.
Koch
Kremer
Lamb
Maresh
Marsh
Peterson, H.
Peterson, R.
Rumery
Schmit
Vickers
Warner

Present and not voting, 8:

DeCamp
Fitzgerald
Higgins
Hoagland
Kahle
Labedz
Marvel
Wagner

Excused and not voting, 2:

Beutler
Cullan

Absent and not voting, 1:

Goodrich

The Newell amendment lost with 16 ayes, 22 nays, 8 present and not voting, 2 excused and not voting, and 1 absent and not voting.

Messrs. Koch and DeCamp offered the following amendment:
Amend 412 page 4 line 10 insert 8 per cent.

The amendment lost with 13 ayes, 17 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Newell asked unanimous consent to lay over LB 412. No objections. So ordered.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 483 in the Journal. No objections. So ordered.

AMENDMENTS TO LABEDZ AMENDMENTS REQUEST 2269

1. On page 10, strike lines 3 through 12 and insert:

"(34) Generic label shall mean a label, which is not protected by a registered trademark, either in whole or in part, nor to which any person has acquired a right therein either pursuant to state or federal statutory or common law.

(35) Private label shall mean a label which the purchasing distributor, wholesaler, or retail licensee has protected, in whole or in part, by a trademark registration or which the purchasing distributor, wholesaler, or retail licensee has otherwise protected pursuant to state or federal statutory or common law.".

2. On page 12, strike lines 10 through 14 and insert:

"(5) It shall not be a violation of subsection

(1), (2), or (3) of this section for a manufacturer, distributor, or wholesaler to sell alcoholic liquors exclusively or in minimum quantities in containers bearing a private label or to sell alcoholic liquors in containers bearing a generic label to a distributor, wholesaler, or retail licensee as defined under this act.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 36. Placed on General File as amended.
Standing Committee amendments to LB 36:

1. On page 2, line 11, after the period insert "In administering this act, the department may cooperate and contract with appropriate local, state, or national organizations, public or private, for the performance of activities required or authorized pursuant to this act.".

2. On page 5, line 8, after the period insert "Official tests shall be conducted by the department or by a laboratory operating under contract with the department for the purpose of doing official pseudorabies testing.".

3. On page 8, line 4, strike "subsections" and insert "subsection"; in line 5 strike "(2) and"; and strike lines 13 through 27, and insert the following new subsections:

"(2) All swine moving through a concentration point, sold at private treaty by the person who farrowed the swine, or imported from out-of-state, shall be quarantined to slaughter only. Such quarantines may be released as provided for in sections 35 and 36 of this act.

(3) As used in subsection (2) of this section, concentration point shall mean any area where swine from different points of origin are temporarily confined and shall include, but not be limited to, auction markets, livestock markets, and shipping yards, except that such term shall not include livestock shows and state or local fairs.".

4. On page 9, strike line 1; and in line 3, strike "feeder".

5. On page 10, line 10, after "made" insert "no sooner than thirty days, nor later than sixty days, after the initial contact"; in line 13, after "on" insert "at least"; in line 14, strike "breeding swine or ten per cent of"; in line 15, strike "whichever is greater" and insert "or such other larger number as determined necessary by the bureau"; and strike beginning with "All" in line 16 through the period in line 18.

6. On page 13, strike beginning with "offspring"

in line 9 through ''with'' in line 10.

(Signed) Loran Schmit, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted ''Aye'' on LB 351.

(Signed) William E. Nichol

NOTICE OF COMMITTEE HEARING

Miscellaneous Subjects

Your Committee on Miscellaneous Subjects gives notice of Public Hearing on April 13, 1981, 1:00 p.m., in Room 2230 for the following confirmation appointments:

Phyllis Acklie - Nebraska Arts Council
Irving Dana - Nebraska Arts Council
Paul Mead - State Electrical Board
Dennis Schroeder - State Electrical Board
Dennis Vanosdall - State Electrical Board

(Signed) Elroy M. Hefner, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 213. Placed on General File as amended. Standing Committee amendments to LB 213:
Req. #2279

1. Strike original sections 2 through 6 and insert the following new sections:

''Sec. 2. That section 29-2203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2203. Any person prosecuted for an offense may plead that he or she is not ~~guilty~~ responsible by reason of insanity ~~or mental derangement~~ at the time of the offense. ~~No evidence offered by the defendant for the purpose of establishing his insanity or mental derangement shall be admitted in the trial of the case unless notice thereof shall have been given by the defendant as provided in this section.~~

At the time of defendant's arraignment, or not later than ~~ten~~ thirty days before trial, defendant shall notify the county attorney of his or her intention to rely upon the defense of insanity ~~or mental derangement~~

as one of his or her defenses and file such notice. No evidence offered by the defendant for the purpose of establishing his or her insanity shall be admitted in the trial of the case unless the notice required by this section has been given by the defendant. Upon the filing of the notice the court, on motion of the state and good cause shown, may cause the defendant to be examined by one or more disinterested, qualified experts, ~~not exceeding three,~~ appointed by the court, at a time and place designated in the order, to inquire into the sanity or insanity of the defendant at the time of the commission of the alleged offense or offenses. The court may order that the examination be conducted at one of the regional centers. The presence of counsel at the examination shall be within the discretion of the court. The results of such examinations shall be filed with the court ~~and~~ with copies ~~given to the state and to the defendant~~ furnished the prosecuting attorney. In misdemeanor or felony cases, the defendant may request the court to order the prosecuting attorney to permit the defendant to inspect and copy the results of such examinations pursuant to the procedures set forth in sections 29-1912 to 29-1921. In the interest of justice and good cause shown the court may waive the notice requirements provided in this section.

~~When the defense is insanity of the defendant, the jury must be instructed, if it acquits him on that ground, to state the fact in its verdict. If the defendant is found not guilty by reason of insanity, the court shall forthwith (1) commit defendant to the care and custody of the Director of Medical Services for a period not to exceed thirty days, and (2) certify the verdict to the mental health board of the county and order that board to determine whether the person so acquitted is a mentally ill dangerous person and a fit subject for custody and treatment in a hospital. The certificate and order shall be considered by the mental health board as a petition for admission as provided in section 83-1025.~~ If the trier of fact acquits the defendant on the grounds of insanity, it shall state whether it acquits him or her on that ground alone or on other grounds as well. Where the defendant is acquitted solely on the ground of insanity, the court shall retain jurisdiction over the defendant for disposition consistent with the terms of this section and sections 3 to 6 of this act.

Sec. 3. (1) Following receipt of a verdict of acquittal on grounds of insanity, the court shall forthwith conduct a hearing to determine whether and under what conditions of confinement the acquitted person should be committed to one of the regional centers for a period not to exceed sixty days for an evaluation of the person's mental condition and for the preparation of a treatment plan pursuant to subsection (4) of this section. Where the court commits the person for evaluation, the court shall specify all conditions of the person's confinement during the evaluation including, but not limited to, all circumstances under which the defendant may leave a locked facility at the regional center.

(2) The superintendent of the regional center to which the person has been committed for evaluation shall be responsible for supervising the evaluation and the preparation of an individualized treatment plan.

(3) The evaluation shall include a determination of whether the person is dangerous to himself, herself, or others by reason of mental illness or defect, or will be so dangerous in the reasonable future.

(4) The individualized treatment plan shall contain a statement of the nature of the specific mental and physical problems and needs of the person, a statement of the least restrictive treatment conditions necessary to achieve the purposes of the plan, a statement of the least restrictive treatment conditions consistent with the protection of the public, and a description of intermediate and long-range treatment goals and a projected timetable for their attainment.

(5) Such evaluation and treatment plan shall include the facts upon which conclusions stated therein are based and shall be filed with the court at least ten days prior to the expiration of the sixty-day evaluation period. Copies of the evaluation and treatment plan shall be furnished to the county attorney and to the person.

(6) If the person desires a separate evaluation, he or she may file a motion with the court requesting an additional evaluation by one or more qualified experts of his or her choice. Such evaluation shall be at the person's expense unless otherwise ordered by the court. Any person evaluating the defendant pursuant to this subsection shall have access to the person's records at his or her place of commitment. The court may extend the person's commitment for an additional period not to exceed sixty days, if necessary to permit completion of the requested evaluation. The evaluation shall include the facts upon which conclusions stated therein are based and shall be filed with the court at least ten days prior to the expiration of the additional sixty-day evaluation period. A copy of such evaluation shall be furnished the prosecuting attorney.

Sec. 4. Upon completion of the evaluation provided for in section 29-2203, the court shall conduct an evidentiary hearing regarding the condition of the person, at which time a representative of the institution where he or she was evaluated shall testify as to the results of the evaluation and the contents of the treatment plan. If the court determines that there is clear and convincing evidence that the person is dangerous to himself, herself, or others by reason of mental illness or defect, or will be so dangerous in the reasonable future, the court shall commit the person for treatment to one of the regional centers until such time as the court determines that there is no longer clear and convincing evidence that he or she is so dangerous. In committing the person the court shall review the treatment plan and shall specify the conditions of confinement regarding his or her freedom of movement outside locked facilities at the regional center, including whether or not the regional center may grant him or her leave into the community for any period of time, however short. Personnel at the regional center shall obey the court-ordered conditions, and any person who fails to do so shall upon conviction be subject to the full contempt powers of the court.

Sec. 5. (1) The court which tried a person who is found not responsible by reason of insanity shall annually and may upon motion of the person, the prosecuting attorney, or the superintendent of the regional center having custody of him or her review the records of such person and conduct an evidentiary hearing on the status of the person.

(2) Prior to any such review and hearing, the regional center shall prepare and provide to the court all data, including test results, which are relevant to the issue of whether the defendant continues to be dangerous to himself, herself, or others by reasons of mental illness or defect, or will be so dangerous in the reasonable future, and to the treatment plan. The court, before making a final determination, may request from the appropriate regional center any additional information or evaluation it deems necessary.

(3) If following the hearing the court finds that such person is no longer dangerous to himself, herself, or others by reason of mental illness or defect, and will not be so dangerous in the reasonable future, the court shall order such person unconditionally released from further confinement. If the court does not so find, the court shall order such person returned to the care and custody of the Director of Medical Services under an appropriate treatment plan and conditions of confinement.

The court may place the person in a less restrictive setting only if it finds that such placement is consistent with the safety of the public.

Sec. 6. Each proceeding to determine whether the person is dangerous to himself, herself, or others by reason of mental illness or defect and the treatment plan to be used shall be deemed equivalent to a critical stage of a criminal prosecution at which the person shall be accorded all the rights a defendant has in sentencing proceedings. The court's decision may be appealed.

Sec. 7. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber original section 7 as section 8.

(Signed) William E. Nichol, Chairperson

CORRECTED STANDING COMMITTEE REPORT
Nebraska Retirement System

LEGISLATIVE BILL 248. Placed on General File as amended.
Standing Committee amendments to LB 248:
Req. #2274

1. Insert three new sections as follows:

"Section 1. That section 79-1522, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1522. (1) Upon retirement under the provisions of sections 79-1520 and 79-1521, if he or she has five or more years of creditable service, a member or emeritus member shall receive a school retirement allowance which shall consist of the sum of: (a) A savings annuity which shall be the actuarial equivalent, as determined by the retirement board, of the member's accumulated contributions at the time of his or her retirement, or, in the case of an emeritus member, the savings annuity fixed by the retirement board at the time of his or her original retirement; and (b) a service annuity to be paid by the State of Nebraska. The amount of any individual service annuity for a full-time school employee or emeritus member shall be three dollars and fifty cents per month for each year of service commencing with his or her retirement on or after ~~July 1, 1973~~ the effective date of this act. Each school employee or emeritus member who retired before July 1, 1973 and who is receiving a service annuity as of that date shall have such service annuity adjusted by the increase in the cost of living as determined by the difference between the Consumers Price Index for Urban Wage Earners and Clerical Workers from the date the service annuity commenced and July 1, 1973, except that such annuity shall not exceed three dollars and fifty cents monthly per year of service, based on the same number of years of service that is currently being used to determine his or her service annuity. Such increased service annuity shall commence on July 1, 1973.

(2) Under such rules and regulations as the board may prescribe, an employee, upon becoming a member, may receive credit for not to exceed ten years of creditable teaching service rendered in public schools in another state if such member shall have paid into the school retirement system of the State of Nebraska an amount equal to the required deposits he or she would have paid had he or she been employed in this state, with such required deposits to be paid as the board may direct within three years after membership in the retirement system begins.

(3) A member who retires as a school employee of this state shall not receive credit for time in service outside of this state in excess of the time he or she has been in service as a school employee in this state. In order to receive such out-of-state credit such member must be employed as a school employee in this state at the time of his or her retirement.

(4) For a beneficiary who is employed as a public school substitute employee for more than ninety days in any school year the state service annuity shall be reduced by fifty per cent; Provided, a person receiving a retirement benefit may waive the payments and return to regular employment in a public school of this state if the beneficiary shall notify the retirement board in advance of the time and place of such employment. This notice shall be in writing upon forms prescribed by the retirement board. Any person collecting retirement payments without filing such notice shall be subject to a withholding of future retirement benefits equal to twice the amount collected after being regularly employed. The amount of individual service annuity for a part-time employee shall be determined on a proportional basis.

Sec. 3. That section 79-1540, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1540. On the basis of all data in the possession of the retirement board, including such mortality and other tables as shall be recommended by the actuary, who shall be a member of the American Academy of Actuaries, engaged by the retirement board and adopted by the retirement board, the retirement board shall annually, on or before July 1, determine the state deposit to be made by the state in the Service Annuity Fund for that fiscal year. The amount of such state deposit shall be determined on the basis of an annual actuarial valuation to be sufficient to fully fund the service annuities earned in that fiscal year and to fund the unfunded accrued liabilities for all service annuities earned prior to that year by level payments up to January 1, 1994 in the amounts established prior to the effective date of this act. Any increase in the unfunded accrued liability that arises as a result of increasing the amount of the service annuity on or after the effective date of this act shall increase the state deposit by an amount sufficient to fund the increase in the unfunded accrued liability by level payments for the twenty-five year period following the date the increase becomes effective. The retirement board shall thereupon certify and, on the warrant of the Director of Administrative Services, the State Treasurer shall, as of July 1 of such year, transfer from funds appropriated by the state for that purpose to the Service Annuity Fund in the retirement system the amount of such state deposit.

Sec. 4. For purposes of subdivision (2) of section 77-3424 new program shall include any additional amount a school district contributes if the Public Employees Retirement Board recommends that the funding by the school district be increased as a result of the changes made in section 79-1522.01 by this act.

Sec. 5. That original sections 79-1522, 79-1522.01, and 79-1540, Reissue Revised Statutes of Nebraska, 1943, are repealed.''.

2. On page 3, line 26, after the period insert ''A member must have acquired the equivalent of one half year or more of service as a public school employee under the school retirement system following the effective date of this act to be eligible for computation of his or her formula annuity using only three fiscal years in the determination of his or her final average compensation.''.

3. Strike original section 2.

4. Renumber original section 1 as section 2.

(Signed) Steve Fowler, Chairperson

GENERAL FILE

LEGISLATIVE BILL 486. Title read. Considered.

Standing Committee amendments found in the Journal on page 914 for the Forty-Third Day were adopted with 29 ayes, 1 nay, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 27 ayes, 1 nay, 19 present and not voting, and 2 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 436. Title read. Considered.

MR. KAHLE PRESIDING

Failed to advance to E & R for Review with 6 ayes, 20 nays, 21 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 17.

Correctly Engrossed

The following bills were correctly engrossed: 39, 39A, 59, 167, 168, 168A, 329, 333, and 483.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 167

The following changes, now required to be reported to you for publication in the Journal, have been made:

1. In line 2 of the Hoagland amendment ". However, such" has been stricken and ", which" inserted.
2. In line 3 of the title, "42-358.02," has been inserted after the first comma; in line 7 "45-103," has been inserted after the first comma in line 7 of E & R 3; and "to change provisions for interest on judgments;" has been inserted after the matter added to line 12 by E & R 3.

Enrollment and Review Changes to LB 168

The following change, required to be reported for publication in the Journal, has been made:

In committee amendments, page 2, line 17, an underscored comma has been inserted after the reinstated “assessor”.

Enrollment and Review Changes to LB 483

The following changes, required to be reported for publication in the Journal, have been made:

In line 3 of the title, “and sections 53-103 and 53-168, Revised Statutes Supplement, 1980,” has been inserted after the second comma; in line 4 “to define terms; to provide that certain acts shall not be unlawful;” has been inserted after the semicolon; and in line 6 “section” has been stricken and “sections” inserted.

(Signed) Emory P. Burnett
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 241. Title read. Considered.

Standing Committee amendments found in the Journal on page 935 for the Forty-Fourth Day were considered.

Mrs. Pirsch asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Beyer offered the following amendment to the Standing Committee amendment:

Delete the word reproduction on line 5 of the committee amendment.

The amendment lost with 13 ayes, 18 nays, 15 present and not voting, and 3 excused and not voting.

The Standing Committee amendments were adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Wesely offered the following amendment:

1. Insert a new section as follows:

“Sec. 2. If a nonconforming advertising sign, display, or device is located on premises leased or owned for the purpose of conducting a business or on commercial or industrial premises leased for the purpose of sign erection such sign, display, or device shall be required to conform to existing codes and regulations, when such sign, display, or device is changed or altered as a result of either transfer of ownership of the premises or business or a change in the type of business or use of the premises. Such sign, display, or device may be allowed to remain as a nonconforming use subject to applicable normal nonreplacement and nonalteration standards as determined by the state, a state agency, or political subdivision of the state.''.

2. Renumber original sections 2 to 4 as sections 3 to 5, respectively.

The amendment was adopted with 28 ayes, 3 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Carsten moved the previous question. The question is, ''Shall the debate now close?'' The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Advanced to E & R for Review with 27 ayes, 10 nays, 9 present and not voting, and 3 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits re-referenced bill 129 as amended by Request #2096 to the Judiciary Committee.

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

NOTICE OF COMMITTEE HEARING
Judiciary

LB 129 Monday, April 13, 1981 7:00 p.m.

(Signed) William E. Nichol, Chairperson

MOTION - Print in Journal

Mr. Koch moved to indefinitely postpone LB 436.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 328 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2281.)

VISITORS

Visitors to the Chamber were 35 students and teachers from St. Theresa School, Lincoln; 3 foreign students and teacher from Union College, Lincoln; Lt. Commander Vincent Feuerborn of the Naval Reserve Center, Lincoln; 62 Falstaff associates, Omaha; and 15 students and teacher from Elk Creek School.

ADJOURNMENT

At 4:33 p.m., on a motion by Mr. Clark, the Legislature adjourned until 9:00 a.m., Tuesday, April 7, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 7, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 7, 1981

Pursuant to adjournment, the Legislature met at 9:05 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. T. M. Rollerson, God's Missionary Baptist Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Haberman, Koch, Schmit, Warner, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Seventh Day was approved.

MESSAGE FROM THE GOVERNOR

April 6, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bill 446 was received in my office today.

This bill was signed by me on April 6, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 209. Placed on General File as amended.
Standing Committee amendments to LB 209:
Req. #2206

1. Strike original sections 3 to 7, 9, 10, 12, 14 to 17, and 25.
2. On page 9, line 19, strike "(1)".
3. On page 10, strike lines 12 through 17.
4. On page 18, line 21, strike "sections 32-506 and", show as stricken, and insert "section".
5. On page 27, line 9, strike "or general".
6. Insert the following new sections:

"Sec. 6. That section 32-542, Revised Statutes Supplement, 1980, be amended to read as follows:

32-542. In each presidential election year, delegates to the national conventions of the political parties shall be ~~elected~~ selected in the following manner:

(1) The total number of delegates representing this state at each convention shall be determined by the rules of the national political party holding the convention;

(2) The total number of delegates thus authorized shall be allocated among the congressional districts so that each congressional district ~~elects~~ selects the same percentage, or as nearly the same percentage as is possible, of total delegates as was its percentage of the total vote for that party's presidential candidate in the last preceding presidential election; and

~~(3) Delegates to the national conventions shall be elected by the congressional districts in the manner provided in sections 32-504.01, 32-513, and 32-420.02; and~~

~~(4)~~ (3) The Secretary of State in consultation with the Attorney General shall have the authority to do all things necessary in the administration of election laws, including ballot preparation, separation of ballots, and ballot instructions to comply with and carry out the intent of national party rules and court decisions notwithstanding the provisions found in ~~sections 32-420.02, 32-504.01, and~~ section 32-513.

Whenever Chapter 32 is in conformity with national party rules as to the election of delegates the election procedures found in Chapter 32 shall be followed.

Sec. 14. That original sections 17-203.01, 23-343.25, 32-420.01, 32-505, 32-507, 49-1455, 79-426.19, and 79-706, Reissue Revised Statutes of Nebraska, 1943, and sections 32-542, 49-1459, 79-701, and 79-2203, Revised Statutes Supplement, 1980, and also sections 19-434, 32-420.02, 32-504.01, 32-506, and 32-509 to 32-511, Reissue Revised Statutes of Nebraska, 1943, are repealed.''.

7. Renumber original sections 8, 11, 13, and 18 to 24 as sections 3, 4, 5, and 7 to 13 respectively.

(Signed) Martin Kahle, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolutions: LB's 291, 311, 355, 56, LR 48, and LR 49.

MOTION - Approve Appointments

Mr. Cullan moved the adoption of the report of the Public Health and Welfare Committee for the following Governor appointments found in the Journal on page 1299: Dr. M. L. Chaloupka, Rural Health Manpower Commission; Mr. John Estabrook, State Board of Health; Mrs. Ramona Freeman, Rural Health Manpower Commission; Dr. Dwaine Peetz, Rural Health Manpower Commission; Dr. Robert Quick, Rural Health Manpower Commission; Mr. Tod Voss, Rural Health Manpower Commission.

Voting in the affirmative, 31:

Barrett
Beyer
Carsten
Clark
Cope
Cullan
Dworak
Fitzgerald
Goll
Goodrich
Hefner
Higgins
Johnson, L.
Johnson, V.
Kilgarin
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Sieck
Stoney
Von Minden
Wagner
Wesely

Voting in the negative, 0.

Present and not voting, 12:

Beutler
Burrows
Chambers
Chronister
DeCamp
Fenger
Fowler
Hoagland
Kahle
Newell
Remmers
Vickers

Excused and not voting, 6:

Haberman
Koch
Labedz
Schmit
Warner
Wiitala

The appointments were confirmed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

MOTION - Reconsider Action on LB 111

Mr. Hoagland renewed his pending motion to reconsider action on indefinitely postponing LB 111 found in the Journal on page 1201.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 12 nays, and 11 not voting.

The Hoagland pending motion prevailed with 25 ayes, 22 nays, 1 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Dworak asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 44. E & R amendments found in the Journal on page 1236 for the Fifty-Fifth Day were adopted.

Mr. Wesely renewed his pending amendment found in the Journal on page 1212.

MR. CLARK PRESIDING

The amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 173. E & R amendment found in the Journal on page 1236 for the Fifty-Fifth Day was adopted.

Messrs. Wagner and Vickers offered the following amendment:

1. On page 7, after line 2, insert the following subsection:

"(4) An entity having the power of eminent domain may, through agreement with the owner of the servient estate and the holder of the conservation or preservation easement, acquire an easement over the land for the purpose of providing utility services.''.

The amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Beutler offered the following amendment:

1. On page 2, line 25, strike ''gift'' and insert ''purchase, exchange, gift,''.

2. On page 6, line 27, strike ''and'' and insert ''. If the easement was obtained by gift or devise''.

3. On page 7, line 2, after ''easement'' insert ''and if the easement was obtained by purchase or exchange, the holder shall be entitled to just compensation for the taking of the easement''.

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 331. E & R amendments found in the Journal on page 1236 for the Fifty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 392. E & R amendment found in the Journal on page 1237 for the Fifty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 478. E & R amendment found in the Journal on page 1237 for the Fifty-Fifth Day was adopted.

Mr. Landis asked unanimous consent to withdraw his pending amendment found in the Journal on page 1252. No objections. So ordered.

Messrs. Landis and H. Peterson offered the following amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2275.)

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Beutler offered the following amendment:
To apply to all persons who are totally disabled.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Beutler requested a roll call vote.

Voting in the affirmative, 16:

Beutler
Carsten
Chambers
Cullan
Fowler
Goll
Haberman
Hoagland
Kilgarin
Koch
Marsh
Nichol
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 21:

Beyer
Burrows
Cope
DeCamp
Hefner
Johnson, L.
Johnson, V.
Kahle
Kremer
Lamb
Landis
Maresh
Marvel
Newell
Peterson, H.
Pirsch
Rumery
Schmit
Sieck
Von Minden
Wagner

Present and not voting, 8:

Barrett
Chronister
Clark
Fenger
Fitzgerald
Higgins
Peterson, R.
Remmers

Excused and not voting, 3:

Dworak
Labedz
Warner

Absent and not voting, 1:

Goodrich

The Beutler amendment lost with 16 ayes, 21 nays, 8 present and not voting, 3 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

SPEAKER MARVEL PRESIDING

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 113. E & R amendments found in the Journal on page 1237 for the Fifty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 113A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 317. E & R amendments found in the Journal on page 1237 for the Fifty-Fifth Day were adopted.

Mr. Koch offered the following amendment:
Amend LB 317 by striking section 8 of the bill.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 292. E & R amendments found in the Journal on page 1238 for the Fifty-Fifth Day were considered.

Miss Kilgarin offered the following amendment to the E & R amendment:
In Section 2, line 2 strike "Farms" and insert "Forms".

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

E & R amendments, as amended, were adopted.

Mr. Maresh offered the following amendment:
Amend LB 292 by adding the "emergency clause".

The amendment was adopted with 26 ayes, 2 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 292A. Mr. DeCamp offered the following amendment:

Add "E" clause

The amendment was adopted with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 479. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 284. Mr. DeCamp asked unanimous consent to have the bill laid over.

Mr. V. Johnson objected.

Mr. DeCamp moved to have LB 284 and LB 284A laid over.

Motion pending.

VISITORS

Visitors to the Chamber were 28 students and teacher from Lincoln Christian School, Lincoln; and 4 students from Wesleyan University, Lincoln.

RECESS

At 12:01 p.m., on a motion by Mr. Goodrich, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:39 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, Messrs. Warner, and Wiitala who were excused; and Messrs. Beutler, Beyer, Carsten, Fowler, Goodrich, Hefner, Hoagland, V. Johnson, Maresh, Marvel, Newell, and Schmit who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 51.

Introduced by Kilgarin, 7th District; Barrett, 39th District; Beyer, 3rd District; Burrows, 30th District; Carsten, 2nd District; Chronister, 18th District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; Fenger, 45th District; Fitzgerald, 14th District; Fowler, 27th District; Goll, 16th District; Hefner, 19th District; Hoagland, 6th District; Johnson, L., 15th District; Johnson, V., 8th District; Kahle, 37th District; Lamb, 43rd District; Maresh, 32nd District; Marsh, 29th District; Peterson, H., 35th District; Peterson, R., 21st District; Rumery, 42nd District; Sieck, 24th District; Stoney, 4th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Wesely, 26th District; Wiitala, 31st District.

WHEREAS, the University of Nebraska-Lincoln Gymnastics Team won its third straight NCAA National Championship on Saturday, April 4, 1981; and

WHEREAS, the University of Nebraska-Lincoln Gymnastics Team is the first team in twenty years to win three straight NCAA gymnastics titles; and

WHEREAS, Jim Hartung received his second straight NCAA gymnastics all-around title; and

WHEREAS, approximately 28,417 people attended the four sessions of the NCAA Gymnastics Championships hosted at the Bob Devaney Sports Center by the University of Nebraska setting an NCAA gymnastics attendance record.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature extend congratulations to the University of Nebraska-Lincoln Gymnastics team and their Coach Francis Allen and his staff for their outstanding performance in winning the 1981 NCAA team gymnastics championship.
2. That the Clerk of the Legislature send a copy of this resolution to Coach Allen and members of the team.

Laid over.

LEGISLATIVE RESOLUTION 52.

Introduced by Marvel, 33rd District; Labedz, 5th District; on behalf of the Governor.

WHEREAS, by an act approved March 29, 1887 (Laws 1887, Chap. 83, p. 628) the State of Nebraska ceded to the United States exclusive jurisdiction over the military reservation known as Fort Robinson; and

WHEREAS, the United States of America by order dated December 17, 1980, signed by the United States Secretary of

Agriculture, Bob Bergland, relinquished exclusive jurisdiction over the lands known as former Fort Robinson Wood Reserve, Nebraska National Forest, to the State of Nebraska to take effect upon the state's acceptance of the relinquishment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Governor of the State of Nebraska is hereby authorized to accept relinquishment of exclusive jurisdiction over the territory located within Sioux County, Nebraska known as the former Fort Robinson Wood Reserve, Nebraska National Forest, on the condition that he finds it is in the best interests of the State of Nebraska to do so. Such territory is described as follows: Township 31 North, Range 53 West, Tract 38, 6th Principal Meridian; Township 31 North, Range 54 West, Tract 37, 6th Principal Meridian; Township 32 North, Range 53 West, Tract 37, 6th Principal Meridian; Township 32 North, Range 54 West, Tract 37, 6th Principal Meridian.
2. That a duly attested copy of this resolution be transmitted by the Clerk of the Legislature to the Governor.
3. That the Governor be requested to file a copy of any action taken by him pursuant to this resolution with the Secretary of State, the State Surveyor, the Attorney General, and the County Clerk of Sioux County, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 53.

Introduced by Stoney, 4th District.

WHEREAS, today's office is increasingly dependent upon the professional secretary's technical skill, knowledge, and decision-making capability; and

WHEREAS, a secretarial career may attain the status of an exacting and highly qualified profession; and

WHEREAS, more professional secretaries are needed if office productivity is to keep pace with the demands of society; and

WHEREAS, the last full week in April is set aside each year to recognize secretaries and 1981 is the thirtieth year for such observance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the week of April 19 to April 25 is hereby declared as Professional Secretaries Week and that Wednesday, April 22 is hereby declared to be Professional Secretaries Day.

2. That the Legislature encourages all public and private enterprises in the state to recognize Professional Secretaries Week and Professional Secretaries Day, and urges the citizens of Nebraska to support this week and day set aside to honor secretaries.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

(White Copy Request 2262)

Req. #2283

1. On page 1, line 21, strike "9" and insert "7".

2. On page 2, strike lines 6 through 19; and in line 20 strike "(3)" and insert "(2)".

3. On page 3 strike beginning with the second "and" in line 22 through "Assessment" in line 26.

4. On page 5, line 5, after "county" insert "under sections 2, 3, 7, and 8 of this act"; in lines 16 and 18 strike "operative" and insert "effective"; in lines 17 and 18 strike "section" and insert "act"; and in line 23 after "received" insert "under sections 2, 3, 7, and 8 ofthis act".

5. On page 6, line 2, strike "and 4" and insert ", 4, 7, and 8".

6. Strike sections 7 through 23 of such amendment.

7. Insert the following new sections:

"Sec. 7. For fiscal years 1981-82 and 1982-83 the Legislature shall appropriate seventy million dollars from the General Fund to a special fund, to be known as the Local Revenue Sharing and Property Tax Relief Fund which is hereby created. Any money in such fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 8. For fiscal years 1981-82 and 1982-83 each county shall receive an amount from the Local Revenue Sharing and Property Tax Relief Fund based on the percentage figure obtained by dividing the total assessed value of real estate in the county by the total assessed value of real estate in the state. The Tax Commissioner shall determine the amount to be distributed to the various counties for distribution to the political subdivisions within such county and shall certify such amounts to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 1, 1981, and December 1, 1982. The State Treasurer shall, between the fifth and twentieth day of each month, notify the director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.

Sec. 9. (1) The Legislature hereby finds that: (a) Within recent years the various political subdivisions have implemented and provided an increasing number of programs and services; (b) in some instances political subdivisions have added programs or services as a result of state action and have not received any additional assistance from the state to aid them in meeting these new responsibilities; (c) the limitation placed on the budgets of political subdivisions has made it difficult for the political subdivisions to continue to provide all the necessary programs and services; and (d) it is necessary for the state to assume the responsibility of providing financial assistance to the political subdivisions to insure the continuation of these vital programs and services.

(2) The Revenue Committee of the Legislature shall fully examine a revenue sharing concept and determine the most effective means of providing property tax relief by shifting the property tax burden to sales and income taxes. Such examination shall analyze and study revenue expenditure data and information and on or before January 1, 1983, provide proposed legislation which prescribes the manner and dollar amounts necessary to implement a local revenue sharing program.

Sec. 10. Sections 1 to 9 of this act shall terminate on July 1, 1983.

Sec. 11. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 12. That Laws 1980, LB 1002, section 5, and also section 77-3601 to 77-3604, Revised Statutes Supplement, 1980, and Laws 1980, LB 882 A, sections 1 and 2, are repealed.

Sec. 13. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Schmit asked unanimous consent to print the following amendment to LB 331 in the Journal. No objections. So ordered.

1. On page 2, line 24, insert after the comma "the Corn Development, Utilization, and Marketing Board,".

2. On page 3, line 1, insert "(1)" before "Any"; in line 5, strike beginning with "The" through the period in line 9, and insert the following: "The minimum criteria for submission shall include but not be limited to (a) protein content analysis, (b) method of food product production techniques, (c) identity and quantity of all ingredients, and (d) receipts for preparation.

(2) The evaluation of high-protein food products which have been developed from distillers' grain shall occur in at least three stages. All evaluations shall occur within sixty days after the food product has been offered to the committee for evaluation. The first stage shall be a toxicity test to determine food safety for human consumption. The second stage shall test those products which have been determined to be safe for human consumption; such tests shall include palatability, food texture, ease of preparation, visual appeal, and aroma. The third stage of the evaluation shall test the nutritional content including a protein profile, of those products which have been determined to be safe for human consumption and which have rated high in the second stage.

(3) The committee shall establish and publish, through rules and regulations, the evaluation criteria, and prepare a report of each submitted food product consistent with the criteria."

3. On page 3, line 18, following the period, insert "Such award and expenditures for evaluation may be paid (1) from funds specifically appropriated for such purpose, (2) from funds appropriated for general purposes to the committee or other agencies which can be obtained through grant requests, or (3) partly from each of such sources."

4. Strike section 7.

Mrs. Marsh asked unanimous consent to print the following amendment to LB 179 in the Journal. No objections. So ordered.

(FINAL READING COPY)

Req. #2273

1. On page 24, after line 2 insert the following new subdivision: "(vi) The value of a motor vehicle taken by any person in trade as all or a part of the consideration for a sale of another motor vehicle;"; in line 3 strike "(vi)" and insert "~~(vi)~~ (vii)"; in line 5 strike "(vii)" and insert "~~(vii)~~ (viii)"; and in line 13 strike "(viii)" and insert "~~(viii)~~ (ix)".

2. on page 36, line 27, strike "or" and show as stricken; after line 27 insert the following new subdivision:

"(vi) The value of a motor vehicle taken by any person in trade as all or part of the consideration for a sale of another motor vehicle; or".

3. On page 37, line 1, strike "(vi)" and insert "~~(vi)~~ (vii)".

4. Insert the following new sections:

"Sec. 18. That section 77-2762, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2762. (1) A husband and wife, both residents, may make a joint return with respect to the income tax imposed by the provisions of sections 77-2701 to 77-27,135 even though one of the spouses has neither gross income nor deductions except that:

(a) No joint return shall be made if the spouses are not permitted to file a joint federal income tax return;

(b) If the federal income tax liability of either spouse is determined on a separate federal return their income tax liabilities under the provisions of sections 77-2701 to 77-27,135 shall be determined on separate returns; and

(c) If the federal income tax liabilities of husband and wife, other than a husband and wife described in subsection (2) of this section, are determined on a joint federal return, they shall file a joint return under the provisions of sections 77-2701 to 77-27,135 and their tax liabilities shall be joint and several.

(2) If either husband or wife is a resident and the other a nonresident, they shall file separate income tax returns in this state on such forms as may be required by the Tax Commissioner in which event their tax liabilities shall be separate; but they may elect to determine their joint taxable income as if both were residents, and in such case, their liabilities shall be joint and several. During the time a claim for credit or refund may be filed pursuant to section 77-2793, such husband and wife may revoke the election to determine their joint taxable income as if both were residents, by filing separate returns on such forms and in such manner as may be required by the Tax Commissioner.

Sec. 21. Sections 18 and 22 of this act shall be operative for all tax years beginning on or after January 1, 1980. The remaining sections shall be operative on their effective date.

Sec. 22. That original section 77-2762, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

5. Renumber original sections 18, 19, 20, and 21 as sections 19, 20, 23, and 24, respectively.

6. In the title, line 4, strike "and"; in line 5 after the first comma insert "and 77-2762,"; and in line 15 after the first semicolon insert "to change provisions relating to certain joint returns;", and after the second semicolon insert "to provide an operative date;".

Mr. Landis asked unanimous consent to print the following amendment to LB 366 in the Journal. No objections. So ordered.

Amendments to Committee Amendments

1. On page 6, line 14, strike "fifty", show as stricken, and insert "fifty-four".

3. Insert a new section as follows:

"Sec. 9. Any firefighter or police officer of a primary class city who terminates his or her employment and receives the benefit provided under subdivision (1) of section 15-1013.02 may, upon becoming reemployed as a firefighter or police officer by such city, repay to the city in a lump sum the benefit received under subdivision (1) of section 15-1013.02 plus regular interest thereon from the date of termination to the date of reemployment and upon payment of such amount receive a pension service credit for the prior period of employment.".

4. Renumber sections 9 and 10 as sections 10 and 11 respectively.

UNANIMOUS CONSENT - Member Excused

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 296. Title read. Considered.

Standing Committee amendments found in the Journal on page 935 for the Forty-Fourth Day were adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Vickers offered the following amendment to the Standing Committee amendments:

On pg 3 line 7 strike shall and insert may.

Mr. Vickers moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Vickers requested a roll call vote.

Voting in the affirmative, 23:

Beutler
Beyer
Burrows
Clark
Dworak
Fowler
Goodrich
Haberman
Hoagland
Johnson, V.
Kilgarin
Kremer
Lamb
Landis
Marsh
Marvel
Peterson, R.
Pirsch
Remmers
Stoney
Vickers
Von Minden
Wesely

Voting in the negative, 16:

Barrett
Chronister
Cope
Cullan
Fenger
Fitzgerald
Hefner
Higgins
Kahle
Koch
Maresh
Nichol
Peterson, H.
Rumery
Sieck
Wagner

Present and not voting, 6:

Carsten
DeCamp
Goll
Johnson, L.
Newell
Schmit

Excused and not voting, 3:

Labedz
Warner
Wiitala

Absent and not voting, 1:

Chambers

The Vickers amendment lost with 23 ayes, 16 nays, 6 present and not voting, 3 excused and not voting, and 1 absent and not voting.

MR.CLARK PRESIDING

The Chair declared the Call raised.

SPEAKER MARVEL PRESIDING

Advanced to E & R for Review with 30 ayes, 2 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 328. Title read. Considered.

Standing Committee amendment found in the Journal on page 944 for the Forty-Fourth Day was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Schmit asked unanimous consent to withdraw his pending amendment referred to in the Journal on page 1320. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 477. Title read. Considered.

Standing Committee amendments, Req. #2177, found in the Journal on page 944 for the Forty-Fourth Day were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor of April 7, 1981, at 2:23 p.m., were the following bills: 291, 311, 355, and 56.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 290.

Correctly Engrossed

The following bills were correctly engrossed: 157, 157A, 158, 200, 280, 371, 407, 427, and 427A.

(Signed) Karen Kilgarin, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked uananimous consent to print the following amendment to LB 243 in the Journal. No objections. So ordered.

1. In the committee amendments in line 2 before "of" insert "(a)", strike "fifty" and insert "seventy-five"; and in line 3 after "recreational" insert "and (b) having five hundred surface acres of water or less".

GENERAL FILE

LEGISLATIVE BILL 35. Title read. Considered.

Mr. Fenger offered the following amendment:
Add the Emergency Clause.

MR. CLARK PRESIDING

Mr. Fenger moved for a Call of the House. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

The Fenger amendment was adopted with 27 ayes, 13 nays, 7 present and not voting, and 2 excused and not voting.

Mrs. Marsh moved to indefinitely postpone LB 35.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mrs. Marsh requested a roll call vote.

Voting in the affirmative, 20:

Beutler
Beyer
Chronister
Cope
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Johnson, L.
Kahle
Koch
Maresh
Marsh
Peterson, H.
Peterson, R.
Rumery
Wagner
Warner
Wesely

Voting in the negative, 25:

Burrows
Carsten
Chambers
Clark
Cullan
Dworak
Fenger
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Kremer
Lamb
Landis

Marvel
Newell
Nichol
Pirsch
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden

Present and not voting, 1:

DeCamp

Excused and not voting, 3:

Barrett
Labedz
Wiitala

The Marsh motion to indefinitely postpone LB 35 lost with 20 ayes, 25 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. Vickers moved for a Call of the House. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.

Mr. Vickers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Burrows
Carsten
Chambers
Clark
Cullan
DeCamp
Dworak
Fenger
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Kremer
Lamb
Landis
Marvel
Newell
Nichol
Pirsch
Remmers
Sieck
Stoney
Vickers
Von Minden

Voting in the negative, 21:

Beutler
Beyer
Chronister
Cope
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Johnson, L.
Kahle
Koch
Maresh
Marsh
Peterson, H.
Peterson, R.
Rumery
Schmit
Wagner
Warner
Wesely

Excused and not voting, 3:

Barrett
Labedz
Wiitala

Advanced to E & R for Review with 25 ayes, 21 nays, and 3 excused and not voting.

EXPLANATION OF VOTE

Had I voted on the final passage of LB 311, I would have voted no.

(Signed) Marge Higgins

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

Req. #2285

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. For fiscal years 1980-81, 1981-82, and 1982-83 the Legislature shall appropriate seventy million dollars from the General Fund to a special fund, to be known as the Political Subdivision Property Tax Relief Fund which is hereby created. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 2. For fiscal years 1980-81, 1981-82, and 1982-83 each county shall receive an amount from the Political Subdivision Property Tax Relief Fund based on the percentage figure obtained by dividing the actual valuation of property in the county by the actual valuation of property in the state based on the values stated in the most recent certificate of taxes levied pursuant to section 77-628. The Tax Commissioner shall determine the amount to be distributed to the various counties for distribution to the political subdivisions within such county and shall certify such amounts to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 1, 1981, and December 1, 1982. For fiscal year 1980-81 the fund shall be distributed according to the same schedule except that any monthly payment not made prior to the effective date of this act shall be added to the initial payment made following the effective date of this act. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.

Sec. 3. Each political subdivision or portion of a political subdivision within a county, including the county itself, with authority to levy a tax or cause a tax to be levied shall receive a share of the funds distributed to the county in an amount equivalent to the percentage figure obtained by dividing the amount of property tax levied within the county by the political subdivision during the prior calendar year by the total amount of property tax levied within the county by all political subdivisions during the prior calendar year. Such amount shall be distributed by the county treasurer in seven as nearly as possible equal monthly payments beginning December, 1980, and each December thereafter. For fiscal year 1980-81 the fund shall be distributed according to the same schedule except that any monthly payment not made prior to the effective date of this act shall be added to the initial payment made following the effective date of this act.

Sec. 4. (1) If two or more political subdivisions within a county are merged, the share such newly merged political subdivision shall receive shall be the sum of the receipts each individual political subdivision would have received had there been no merger.

(2) If a political subdivision authorized to levy a tax or cause a tax to be levied is newly created, such political subdivision shall receive, commencing the first year such levy generates tax receipts, a share of the funds distributed to political subdivisions within a county computed pursuant to sections 3 and 4 of this act.

Sec. 5. That Laws 1980, LB 1002, section 5, be amended to read as follows:

Sec. 5. Agency No. 12 — State Treasurer

(1) Program No. 146 - Aid to Governmental Subdivisions

GENERAL FUND	12,600,000
PROGRAM TOTAL	12,600,000

~~(2) Program No. 147 - Personal Property Tax Relief~~

~~GENERAL FUND~~	~~70,000,000~~
~~PROGRAM TOTAL~~	~~70,000,000~~

For Informational Purposes Only: Total Appropriations to Agency No. 12 and Fund Source

GENERAL FUND	~~82,600,000~~ 12,600,000
AGENCY TOTAL	~~82,600,000~~ 12,600,000

Sec. 6. (1) The Legislature hereby finds that: (a) Within recent years the various political subdivisions have implemented and provided an increasing

number of programs and services; (b) in some instances political subdivisions have added programs or services as a result of state action and have not received any additional assistance from the state to aid them in meeting these new responsibilities; (c) the limitation placed on the budgets of political subdivisions has made it difficult for the political subdivisions to continue to provide all the necessary programs and services; and (d) it is necessary for the state to assume the responsibility of providing financial assistance to the political subdivisions to insure the continuation of these vital programs and services.

(2) The Revenue Committee of the Legislature shall fully examine a revenue sharing concept and determine the most effective means of providing property tax relief by shifting the property tax burden to sales and income taxes. Such examination shall analyze and study revenue expenditure data and information and on or before January 1, 1983, provide proposed legislation which prescribes the manner and dollar amounts necessary to implement a local revenue sharing program.

Sec. 7. Sections 1 to 6 of this act shall terminate on July 1, 1983.

Sec. 8. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 9. That Laws 1980, LB 1002, section 5, and also sections 77-3601 to 77-3604, Revised Statutes Supplement, 1980, and Laws 1980, LB 882 A, sections 1 and 2, are repealed.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Messrs. Goodrich and Landis asked unanimous consent to print the following amendment to LB 3 in the Journal. No objections. So ordered.

In lieu of the Committee Amendment, on page 9, strike lines 1 and 2 and insert:

"(t) Manufacturing and processing equipment purchased for use directly in new, diversified, or expanded manufacturing or processing operations located in a manufacturing facility and specifically excluding equipment acquired to replace worn out equipment."

Mr. Nichol and Mrs. Higgins asked unanimous consent to print the following amendment to LB 87 in the Journal. No objections. So ordered.

1. On page 2, line 12, after the second “to” insert “place such person in”; in line 13 after “or” insert “with a”; in line 14 after the period insert “Such effort at placement shall be deemed reasonable if the officer contacts those facilities or doctors which have previously represented a willingness to accept and treat such individuals and which regularly do accept such individuals.”; and in line 15 strike “these measures” show as stricken, and insert “such efforts”.

MESSAGE FROM THE GOVERNOR

April 7, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bill 311 and Reengrossed Legislative Bill 56 were received in my office today.

These bills were signed by me on April 7, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 58, 283, 330, 437, and 491.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Change to LB 437

The following change, required to be reported for publication in the Journal, has been made:

In the title, "; and to provide restrictions in cases of railroad accidents or violations of law" has been inserted after "railroads" in line 4.

Enrollment and Review Changes to LB 200

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 5, line 18, "and" has been inserted after the first comma and "and 39-1647," has been stricken.
2. In the title, "and" has been inserted after the second comma in line 2; "and 39-1647," has been stricken in line 3; and beginning with "to" in line 7 through line 8 has been stricken.

Enrollment and Review Changes to LB 290

The following change, required to be reported for publication in the Journal, has been made:

The E & R changes, found on pages 1220 and 1221 of the Journal, have been stricken.

(Signed) Emory P. Burnett
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 249 in the Journal. No objections. So ordered.

Amendments to Standing Committee Amendments to LB 249
(journal page 947)

1. In line 10, insert the following between "Boards" and "of":
", Division of Licensure and Standards, Division of Radiological Health, Division of Disease Control, Division of Housing and Environmental Health, Division of Environmental Engineering, and the Bureau of Health Planning and Resource Development,"

2. In line 13, insert the following between "Boards" and "of":
", Division of Licensure and Standards, Division of Radiological Health, Division of Disease Control, Division of Housing and Environmental Health, Division of Environmental Engineering, and the Bureau of Health Planning and Resource Development"

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 346 in the Journal. No objections. So ordered.

1. On page 25, line 15, strike "as soon as possible" and insert "within six months"; in line 17 strike "a reasonable" and insert "such"; after the underscored period in line 24 insert "The computation of the six-month period provided for in this section shall be made as provided in section 29-1207, as applicable."; in line 25 after "juvenile" insert "whether or not" and after "in" insert "the"; and in line 27 strike "as soon as possible" and insert "within six months" and strike ", and" and insert ". The computation of the six-month period provided for in this section shall be made as provided in section 29-1207, as applicable.".

2. On page 26, strike lines 1 and 2.

VISITORS

Visitors to the Chamber were 20 students from Wesleyan University, Lincoln.

ADJOURNMENT

At 4:32 p.m., on a motion by Mr. DeCamp, the Legislature adjourned until 9:00 a.m., Wednesday, April 8, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 8, 1981

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

FIFTY-NINTH Day

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 8, 1981

Pursuant to adjournment, the Legislature met at 9:05 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Father Samuel R. Boman, St. David's Episcopal Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins, Messrs. Hoagland, Schmit, Sieck, Warner, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 486. Placed on Select File as amended.
E & R amendment to LB 486:

1. In the title, line 2, strike ", 77-603," and insert "and"; in line 3 strike "77-606, and 77-621,"; and in line 7 strike "and" and after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 241. Placed on Select File as amended.
E & R amendments to LB 241:

1. On page 2, line 21, strike "is".
2. In the Wesely amendment, line 6, insert an underscored comma after "erection".
3. In the title, line 7, insert "to provide when alteration to become conforming shall be required; to

provide when nonconforming use may be allowed;" after the semicolon.

(Signed) Karen Kilgarin, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 51. Read. Considered.

LR 51 was adopted with 31 ayes, 0 nays, and 18 not voting.

BILL ON FINAL READING

LEGISLATIVE BILL 72.

The following bill was read and put upon final passage:

A BILL FOR AN ACT to amend sections 37-101, 37-201, 37-204.01, 37-208, 37-211, 37-212, 37-214.01, 37-216.01, 37-301, 37-304, 37-304.02, 37-308, 37-505, 37-508, 37-510, 37-714, 37-715, and 81-805, Reissue Revised Statutes of Nebraska, 1943, and sections 37-202, 37-204, 37-213, and 37-215, Revised Statutes Supplement, 1980, relating to game; to eliminate trapping permits; to provide for fur harvesting permits; to define and redefine terms; to establish fees; to provide for extension of certain permits; to change certain fees; to change prohibited practices; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

Beyer
Carsten
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Stoney
Vickers
Von Minden
Wagner
Wesely

Voting in the negative, 9:

Barrett
Burrows
Clark
Cullan
Kahle
Lamb
Maresh
Marvel
Remmers

Present and not voting, 2:

Beutler
Chambers

Excused and not voting, 5:

Higgins
Schmit
Sieck
Warner
Wiitala

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 205 to Select File

Mr. Chambers moved to return LB 205 to Select File for the following specific amendment:
Strike the enacting clause.

The motion lost with 5 ayes, 33 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Chambers moved to return LB 205 to Select File for the following specific amendment:
page 2, line 7, strike "such"; insert "arson"
page 2, line 11, strike "such"; insert "arson"
page 2, lines 25 & 26, strike "investigating the cause, origin, and circumstances of a fire"; insert, "an arson investigation"
Page 6, line 6, after "an", insert "arson".

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 10:

Barrett
Carsten
Chambers
Dworak
Kremer
Landis
Marsh
Nichol
Vickers
Wesely

Voting in the negative, 30:

Beyer
Burrows
Clark
Cope
Cullan
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Labedz
Lamb
Maresh
Marvel
Newell
Peterson, H.
Peterson, R.
Rumery
Sieck
Stoney
Von Minden
Wagner
Wiitala

Present and not voting, 7:

Beutler
Chronister
DeCamp
Hefner
Kahle
Pirsch
Remmers

Excused and not voting, 2:

Schmit
Warner

The Chambers motion to return to Select File lost with 10 ayes, 30 nays, 7 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 205.

A BILL FOR AN ACT relating to fire investigations; to amend section 81-509, Reissue Revised Statutes of Nebraska, 1943, and section 81-1401, Revised Statutes Supplement, 1980; to provide certain local officers with additional powers during investigations as prescribed; to provide subpoena and examination powers; to provide for training such officers; to change provisions relating to contempt; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 40:

Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Maresh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Wiitala

Voting in the negative, 7:

Barrett
Chambers
Dworak
Koch
Marsh
Vickers
Wesely

Excused and not voting, 2:

Schmit
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the final passage of LB 72.

(Signed) Marge Higgins

SPEAKER MARVEL PRESIDING

MOTION - Reconsider Action on LB 258

Mrs. Pirsch and Mr. DeCamp renewed their pending motion to reconsider their action on indefinitely postponing LB 258 found in the Journal on page 1203.

Mr. Stoney moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 21:

Beutler
Chronister
Clark
Cullan
DeCamp
Dworak
Fenger
Fowler
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Marsh
Marvel
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Von Minden

Voting in the negative, 23:

Barrett
Beyer
Burrows
Carsten
Chambers
Cope
Fitzgerald
Goll
Haberman
Higgins
Johnson, L.
Kremer
Lamb
Landis
Maresh
Peterson, H.
Rumery
Sieck
Stoney
Vickers
Wagner
Wesely
Wiitala

Present and not voting, 3:

Goodrich Hefner Kahle

Excused and not voting, 2:

Schmit Warner

The motion to reconsider lost with 21 ayes, 23 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 172 in the Journal. No objections. So ordered.

Req. #2248

1. Strike standing committee amendments 2, 3, and 4.

2. Insert the following new sections:

"Section 1. That section 66-403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-403. Before engaging in business as a dealer, every person shall procure a license from the Tax Commissioner, permitting him or her to transact such business within the State of Nebraska. The Tax Commissioner upon the application of any person or persons who filed the certificate required in section 66-402, may issue a license as provided in this section. ~~aforesaid; Provided, the applicant shall have furnished good and sufficient security running to the State of Nebraska, conditioned for the payment of all taxes, interest, penalties, and costs which may be assessed against him under the provisions of sections 66-401 to 66-425 whether such liability is incurred prior to or after such security is filed.~~

Sec. 11. That section 66-611, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-611. Upon receipt of the application ~~and security~~ in proper form, the motor fuel tax administrator shall issue to the applicant a license to act as a special fuel dealer; Provided, the motor fuel tax administrator may refuse to issue a special fuel dealer's license to any person: (1) Who formerly held a special fuel dealer's license which, prior to the time of filing the application, has been revoked for cause; (2) who is a subterfuge for the real party in interest whose license, prior to the time of filing the application, has been revoked for cause; or (3) upon other sufficient cause being shown. Before such refusal, the motor fuel tax administrator shall grant the applicant a hearing and shall grant him or her at least ten days' written notice of the time and place.

Sec. 12. That section 66-618, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-618. For the purpose of determining the amount of his or her liability for the tax imposed by the provisions of sections 66-601 to 66-640, each special fuel dealer shall file with the motor fuel tax administrator, on forms prescribed by the administrator, a monthly tax return. The return shall contain a declaration, by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the return and shall be in lieu of such verification. The return shall show, with reference to each location at which special fuel is delivered or placed by such dealer into a fuel supply tank of any motor vehicle, such information as the motor fuel tax administrator may reasonably require for the proper administration and enforcement of the provisions of sections 66-601 to 66-640; Provided, that if a special fuel dealer is also a wholesale distributor of a special fuel at a location where special fuel is delivered into the supply tank of a motor vehicle, and if separate storage is provided thereat from which special fuel is delivered or placed into fuel supply tanks of motor vehicles, the monthly return to the administrator covering such location need not include inventory control data covering bulk storage from which wholesale distribution of special fuel is made. The special fuel dealer shall file the return on or before the twentieth day of the next succeeding calendar month following the monthly period to which it relates. If the final filing date falls on a Saturday, Sunday, or legal holiday, the next secular or business day shall be the final filing date. Such reports shall be considered filed on time if mailed in an envelope properly addressed to the motor fuel tax administrator, and postmarked before midnight of the final filing date; Provided, that for good cause the administrator may grant a taxpayer reasonable extensions of time for filing, but not to exceed ten days in the aggregate for any one return.

Notwithstanding any other provision of this section, the motor fuel tax administrator may by rule and regulation permit or require quarterly, semiannual, or annual reports and tax payments from each special fuel dealer who has small tax liabilities, except that no such reports or payments may be permitted or required when the tax liability exceeds one hundred fifty dollars in any quarter, three hundred dollars in any semiannual period, or six hundred dollars in any year.".

3. On page 11, strike beginning with "Every" in line 8 through the period in line 14 and show the old matter as stricken, and insert "The Tax Commissioner, whenever he or she deems it necessary to insure compliance with sections 66-401 to 66-481, may require any dealer subject to the provisions of sections 66-401 to 66-481 to place with the commissioner such security as he or she may determine. The amount and duration of the security shall be fixed by the Tax Commissioner and shall not be greater than two times the total estimated average monthly tax liability payable by such dealer pursuant to section 66-401 to 66-481 or fifteen thousand dollars, whichever is the lesser amount.".

4. On page 12, strike beginning with "No" in line 16 through "fixed" in line 27 and show the old matter as stricken.

5. On page 13, strike beginning with "and" in line 1 through the period in line 3, show as stricken, and insert "The motor fuel tax administrator, whenever he or she deems it necessary to insure compliance with sections 66-601 to 66-638, may require any special fuel dealer subject to the provisions of sections 66-601 to 66-638 to place with the administrator, such security as he or she may determine. The amount and duration of the security shall be fixed by the motor fuel tax administrator and shall not be greater than two times the estimated average monthly tax liability payable by such dealer pursuant to sections 66-601 to 66-638 or fifteen thousand dollars, whichever is the lesser amount.".

6. On page 14, line 3 after "sections" insert "66-403,"; in line 4 strike "and" and after "66-609," insert "66-611, and 66-618"; and in line 7 after the second comma insert "and also section 66-405.01, Reissue Revised Statutes of Nebraska, 1943,".

7. Renumber original sections 1 to 9, 10, and 11 as sections 2 to 10, 13, and 14, respectively.

SELECT FILE

LEGISLATIVE BILL 536. Mr. Beutler asked unanimous consent to withdraw his pending amendment found in the Journal on page 1169. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 87. Mrs. Higgins asked unanimous consent to withdraw her pending amendment found in the Journal on page 1301. No objections. So ordered.

Mr. Nichol and Mrs. Higgins renewed their pending amendment found in the Journal on page 1343.

The amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

MR. CLARK PRESIDING

LEGISLATIVE BILL 40. Messrs. Koch and DeCamp asked unanimous consent to withdraw their pending amendment found in the Journal on page 1262. No objections. So ordered.

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp offered the following amendment:

1. On page 3, line 8, after the period insert "No tax increased pursuant to this subsection shall remain in effect after July 1, 1984."; Reinstate the stricken matter beginning on line 23 through the period on page 4, line 4; On page 4, line 4, strike "1982" and insert "1984".

SPEAKER MARVEL PRESIDING

Mr. Hoagland offered the following amendment to the DeCamp amendment:

To amend the DeCamp amendment by striking 1984 and insert 1988.

PRESIDENT LUEDTKE PRESIDING

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

The Hoagland amendment to the DeCamp amendment lost with 11 ayes, 25 nays, 11 present and not voting, and 2 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. H. Peterson asked unanimous consent to print the following amendment to LB 512 in the Journal. No objections. So ordered.

Amendments to White Copy Req. 2255

1. On page 2, strike lines 11 through 15.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 547. Placed on General File as amended. Standing Committee amendment to LB 547:

1. On page 8, line 9, after "Religious" insert ", charitable, and fraternal".

LEGISLATIVE BILL 105. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

MOTHERS OF THE YEAR

Mrs. Marsh, Mr. Koch, and Mr. Nichol escorted the Mother of the Year, Mrs. Charlotte Jackson of Ralston, Nebraska and the Young Mother of the Year, Mrs. Gary Stoddard of Mitchell, Nebraska to the rostrum.

Mrs. Jackson and Mrs. Stoddard spoke to the members briefly.

SELECT FILE

LEGISLATIVE BILL 40. The DeCamp pending amendment found in this day's Journal was renewed.

Mr. Lamb offered the following amendment to the DeCamp pending amendment:

Strike July 1, 1984
Insert July 1, 1983

SPEAKER MARVEL PRESIDING

Mr. Lamb asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in this day's Journal. No objections. So ordered.

Messrs. Goodrich and Newell asked unanimous consent to withdraw their pending amendment found in the Journal on page 1261. No objections. So ordered.

Mr. Burrows moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Haberman moved to recess. The motion lost with 5 ayes, 29 nays, and 15 not voting.

Mr. Barrett and Mrs. Marsh asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 26:

Beutler
Beyer
Chambers
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goodrich
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marvel
Newell
Nichol
Pirsch
Rumery
Stoney
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 17:

Burrows
Carsten
Clark
Cullan
Dworak
Goll
Haberman
Hefner
Johnson, L.
Lamb
Maresh
Peterson, H.
Peterson, R.
Remmers
Schmit
Vickers
Wagner

Present and not voting, 4:

Chronister Higgins Kahle Sieck

Excused and not voting, 2:

Barrett Marsh

Advanced to E & R for Engrossment with 26 ayes, 17 nays, 4 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 164 in the Journal. No objections. So ordered.

1. Strike original section 18.
2. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 50 students and teachers from Meadow Lane School, Lincoln; 41 students and sponsors from Elmwood High School, Elmwood; 43 fourth, fifth, and sixth grade students and teacher from Arbor Elementary, Omaha; 25 students and teacher from Lincoln School of Commerce; and 25 students from Columbus.

RECESS

At 12:07 p.m., on a motion by Mr. Haberman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:40 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Barrett, Dworak, Hoagland, and Wiitala who were excused; and Mesdames Higgins, Labedz, Marsh, Messrs. Cullan, Haberman, Koch, and Landis who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 257. Title read. Considered.

Standing Committee amendments, Req. #2161, printed separate from the Journal and referred to in the Journal on page 966 for the

Forty-Fifth Day were adopted with 25 ayes, 13 nays, 4 present and not voting, and 7 excused and not voting.

Messrs. DeCamp, Fowler, and Wesely offered the following amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office, Req. #2266.)

Mrs. Pirsch asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The DeCamp-Fowler-Wesely amendment lost with 16 ayes, 22 nays, 6 present and not voting, and 5 excused and not voting.

Laid over.

MESSAGE FROM THE GOVERNOR

April 8, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 125, 174, and 291 were received in my office this week.

These bills were signed by me on April 8, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

EXPLANATION OF VOTE

After having stated in floor debate that I would vote against LB 40, I supported it on Select File. I want to explain my purposes for that vote.

My objection to the bill remains and I will vote against it on Final Reading. However, I support a decisive vote on this issue and that can only be accomplished at Final Reading after other relevant bills such as LB 284 have been heard on their own merits. Therefore, I voted to move LB 40 off Select File to bring an end to the negotiations and interplay between bills and to set the stage for a single, decisive vote on the Omaha Sales Tax as a permanent part of the state policy on municipal finance.

(Signed) David Landis

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 179 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1. Strike original section 12.
2. On page 67, line 19, strike "77-1619,".
3. Renumber original sections 13 to 21 as sections 12 to 20, respectively.
4. In the title, line 4, strike "77-1619,".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 328A. By Pirsch, 10th District; Schmit, 23rd District.
This bill introduced on behalf of: LB 328.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 328, Eighty-seventh Legislature, First Session, 1981.

MR. CLARK PRESIDING

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 113, 113A, 331, 379, 392, 478, and 479.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 478

The following changes, required to be reported for publication in the Journal, have been made:

In the title, as amended, lines 2 to 5 have been stricken and the following has been inserted:
“FOR AN ACT to amend sections 77-3501, 77-3505, 77-3508, 77-3509, 77-3510, 77-3513, 77-3514, 77-3516, 77-3517, 77-3521, 77-3522, and 77-3527, Revised Statutes Supplement, 1980, relating to homestead tax exemptions; to change exemption provisions as prescribed; to repeal the original sections; and to declare an emergency.”.

(Signed) Emory P. Burnett
E & R Attorney

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 400. Placed on General File as amended.
Standing Committee amendments to LB 400:

1. On page 2, line 20, strike “generating capacity available to” and insert “power resources of”; after line 24 insert “The contracts shall include a provision that such sales shall produce revenue equal to the revenue which would have been produced from the sale of equivalent amounts of surplus power resources to any other reasonably potential purchaser of such surplus power resources during the same period of time for which the surplus power resources are contracted.”; in line 25 strike “generating capacity” and insert “power resources”; in line 26 strike “capacity” and insert “resources”; and in line 27 after “obligations” insert “, any capacity sale obligations,”.

2. On page 3, strike beginning with “reserve” in line 1 through “sale” in line 2 and insert “any reserve capacity”.

3. Insert a new section as follows:
“Sec. 2. This act shall become operative on March 1, 1982.”.

4. Renumber original section 2 as section 3.

(Signed) Maurice Kremer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 257. Mr. Warner offered the following amendment:

1. Strike the original sections and all amendments thereto.

2. Insert new section as follows:

"Sec. 1. That section 57-703, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

57-703. Taxes, as levied by the provisions of section 57-702, shall be levied upon the value of the resources severed, and shall be paid at the rate of ~~two~~ three per cent of the value of such oil and natural gas. The value of oil and natural gas shall be computed immediately after such severance at the place where the same were severed.

3. Sec. 2. That original section 57-703, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Warner moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Warner amendment was adopted with 26 ayes, 10 nays, 8 present and not voting, and 5 excused and not voting.

Mr. Warner offered the following amendment to the first Warner amendment to LB 257:

In Sec. 2, after "gas." strike "the period" and insert "except that oil produced from any wells which produce 10 barrels per day or less of crude oil for the average of all producing days during the taxable year shall be subject to a 2 percent severance tax"

The amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 7 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 249. Title read. Considered.

Standing Committee amendments found in the Journal on page 947 for the Forty-Fourth Day were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment found in the Journal on page 1344. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 6 nays, 11 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Kremer asked unanimous consent to print the following amendment to LB 326 in the Journal. No objections. So ordered.

On page 4, line 27, strike "19" and insert "20".

Mrs. Labedz and Mr. Hefner asked unanimous consent to print the following amendment to LB 483 in the Journal. No objections. So ordered.

AMENDMENTS TO LABEDZ AMENDMENTS REQUEST 2269

1. On page 10, strike lines 3 through 12 and insert:

"(34) Generic label shall mean a label, which is not protected by a registered trademark, either in whole or in part, nor to which any person has acquired a right therein either pursuant to state or federal statutory or common law.

(35) Private label shall mean a label which the purchasing distributor, wholesaler, retailer, or bottle club licensee has protected, in whole or in part, by a trademark registration or which the purchasing distributor, wholesaler, retailer, or bottle club licensee has otherwise protected pursuant to state or federal statutory or common law.".

2. On page 12, strike beginning with "(5)" in line 10 through the first period in line 14 and insert:

"(5) It shall not be a violation of subsection (1), (2), or (3) of this section for a manufacturer, distributor, or wholesaler to sell or provide alcoholic liquors exclusively or in minimum quantities in containers bearing a private label or to sell or provide alcoholic liquors in containers bearing a generic label to a distributor, wholesaler, retailer, or bottle club licensee.

(6) It shall not be a violation of subsection (1), (2), or (3) of this section for a distributor, wholesaler, retailer, or bottle club licensee to accept or purchase from a manufacturer, distributor, or wholesaler alcoholic liquors exclusively or in minimum quantities in containers bearing a private label or for a distributor, wholesaler, retailer, or bottle club licensee to accept or purchase from a manufacturer, distributor, or wholesaler alcoholic liquors in containers bearing a generic label.".

3. Insert a new section as follows:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

VISITORS

Visitors to the Chamber were 26 exchange students from Schuk-Schule-Kassel; and Senator Rumery's son, Mike and granddaughter, Kristan.

ADJOURNMENT

At 3:57 p.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Thursday, April 9, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 9, 1981

LEGISLATIVE JOURNAL

SIXTIETH DAY - APRIL 9, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 9, 1981

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Mrs. Edith M. Young, Assistant Pastor of First Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Barrett who was excused; and Miss Kilgarin, Messrs. Cullan, V. Johnson, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 296. Placed on Select File as amended.
E & R amendments to LB 296:

1. Because as adopted it is in irreconcilable conflict with S.C. 5 and S. C. 7, amend S.C. 2 to read:
"2. Strike original section 3 and on page 4 strike lines 6 to 22.".
2. In committee amendments, page 1, line 17 and 18, strike "by the local subdivision" and insert the same after "required" in line 17.
3. On page 6, line 4, and committee amendments, page 2, line 19 strike "thereto" and insert "pursuant to this act".

LEGISLATIVE BILL 328. Placed on Select File as amended.
E & R amendments to LB 328:

1. On page 5, line 15, strike "only purposes" and insert "purposes only,".

2. In the title, line 9, insert "to place a restriction on contents of the annual report;" after the semicolon.

LEGISLATIVE BILL 477. Placed on Select File as amended.
E & R amendments to LB 477:

1. On page 3, line 1, strike "of" and insert "determining".

2. On page 3, line 22, insert "sections 1 to 6 of" after "in".

3. On page 4, line 2, insert "sections 1 to 6 of" after "to", in line 17, strike "; and" and insert an underscored period; and in line 23 strike the semicolon and insert an underscored period.

LEGISLATIVE BILL 35. Placed on Select File as amended.
E & R amendment to LB 35:

1. Insert a new section to read:

"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Karen Kilgarin, Chairperson

MESSAGE FROM THE GOVERNOR

April 8, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bill 351 was received in my office on April 6. This bill was signed by me on April 8, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 72 and 205.

MESSAGE FROM THE GOVERNOR

April 8, 1981

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

You are approaching the 60th day of your 90-day first session of the 87th Legislature. Legislative bills with substantial fiscal impact as well as the forthcoming recommendations of your Appropriations Committee will soon be at the center of your attention. Now is an excellent time, I believe, to pause for a moment from the immediate press of legislative business and take a good hard look at the fiscal future.

First, state general fund tax revenues through March are 2.4 percent or slightly over $13.0 million below projections for that date. This is not cause for alarm. It is cause for concern. Our economy has proved itself strong and resilient. It is not, however, immune to necessarily uncertain national economic trends.

Second, federal budget reductions recently recommended by President Reagan will most certainly be felt by Nebraska programs and services. I whole-heartedly support the economic course charted by the President. It will demand, however, all of our ingenuity and self-restraint to maintain essential Nebraska services - which are our responsibility - in the face of reduced federal revenues.

Third, the enactment of the President's proposed federal income tax reduction will necessarily and inevitably affect our own state income tax revenue. As you know, Nebraska's income tax system "piggy-backs" the federal system. Since Nebraska's tax is based on federal income tax liability, any change at the federal level is reflected in state revenues. Our current revenue projections do not take into account any federal changes.

As I stated in my January 14, 1981 State of the State and Budget Message:

> "State government is under severe fiscal pressures. On the one hand, there will be growing demands for the state to take over

> expiring federal programs. But on the other hand, there will be even faster growing demands for more state assistance to local governments. Economic conditions and our limited state resources require that we respond prudently and with great caution."

I have no reason now to believe that the situation has in any way been altered. On the contrary, events in recent weeks in your body have, if anything, strengthened that concern. You have bills before you such as LB39, LB317 and LB245A which have thus far received favorable consideration - which have substantial or unknown fiscal impact - and which create new fiscal obligations for the State of Nebraska.

LB39 further reduces progressively the county share of the medical assistance program to ten percent in FY83/84. During my administration, we have already provided such relief and saved the counties in the current year and last fiscal year approximately seven million dollars at an equivalent additional cost to the state general fund. LB317 further modifies the special education program - a program already standing outside traditional budgetary controls. Under LB317, the current financial relationship between service providers is radically changed at unknown cost to the state; and, a significant change in the reimbursable residential program is mandated at unknown but potentially significant general fund cost. Moreover, I am not agreeable to the approximately $1.4 million proposed appropriation in LB245A for FY81/82. If it is your intent to set conditions upon the ultimate completion of the Veterinary Medicine facility, then such conditions should be met prior to and not during the course of the project.

In the face of current economic uncertainty and almost certain federal budgetary reductions, I am at this time adamantly opposed to the assumption of new or greater state fiscal obligations. Despite the press of special interests and their demands, I ask that you demonstrate the necessary self-restraint the times and situation demand as you carry out your budgetary responsibilities. On my part, you may be assured that this Governor will do everything within his constitutional authority to preserve the budgetary limits recommended to you in January.

The budget I submitted to you on January 14 was a most adequate budget that maintained the current sales tax rate of 3 percent and the current income tax rate just reduced last November to 15 percent. The priority areas in that budget clearly were the continuation of and improvements in current programs and facilities, state employees' salaries, enhancement of programs in post-secondary education, and maintenance of the current sales and income tax rates. I remain convinced that these priorities are appropriate, and must be addressed prior to any other consideration.

I sincerely ask your cooperation, your self-restraint, and your good hard effort in accomplishing our joint budgetary responsibilities in these most uncertain times.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:dld

ATTORNEY GENERAL'S OPINION

Opinion No. 67
April 7, 1981

Dear Senator Wiitala:

Concerning REQ. 350, which would authorize Sanitary and Improvement Districts to share in the Highway Allocation Fund, which you are contemplating introducing, you inquire if its general purpose conflicts with any constitutional provision. You also ask whether a Sanitary and Improvement District is a political entity which could share in the allocation fund.

The provisions of Neb.Rev.Stat. §31-740 (Supp. 1980) give Sanitary and Improvement Districts broad powers of a municipal nature. The statutes refer to Sanitary and Improvement Districts as public corporations, and this office has many times characterized them as quasi municipal corporations. In Hueftle v. Eustis Cemetery Assn., 171 Neb. 293, 106 N.W.2d 400 (1960), the court said: ". . . Throughout the statutes, too numerous to cite, the Legislature has granted separate and distinct powers to villages and cities of various classes, and it has established different municipal organizations and has imposed different limitations of powers. . ." We believe Sanitary and Improvement Districts are among those other types of bodies, and that they, if directed by statute, have the right to receive tax money, including that which flows through the Highway Allocation Fund.

You also ask if there are any other constitutional problems. Neb.Rev.Stat. §31-727(3) (Reissue 1978) provides in part: " . . . . No corporation formed or hereafter formed shall perform any new functions, other than those for which the corporation was formed without amending its articles of association to include the new function or functions." Assuming that not all Sanitary and Improvement Districts are concerned with highways and roads, we believe that the aforesaid language gets over the hurdle of special legislation, since the class would not be closed if any district, by amending its articles, can bring itself within the ambit of the class.

In Omaha Parking Authority v. City of Omaha, 163 Neb. 97, 77 N.W.2d 862 (1956), it was stated that the legislature has power to legislate with regard to streets, alleys and highways as a matter of state-wide concern. It was also held that the legislature may classify based on types of municipalities. Therefore, streets being a matter of state-wide concern, it would appear logical that the legislature may, if it chooses, also apportion moneys from the Highway Allocation Fund to agencies having responsibility for a part of the system of public streets and roads.

We do not believe that the allocation of appropriated State funds to an entity charged with the construction and maintenance of public roads and streets constitutes extending the credit of the State to private enterprises. We believe this to be true despite the fact that Sanitary and Improvement Districts are often the creatures of private land developers, since the creature is, in the rendering of governmental services such as streets, sewarage, etc., a public entity.

Finally, since REQ. 350 contains but one subject and the title would appear to be reflective thereof, we believe that if passed into law, it would not violate any provision of the Constitution.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Warren D. Lichty, Jr.
Assistant Attorney General

WDL/ta
cc: Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Return LB 17 to Select File

Mr. Stoney moved to return LB 17 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

The Stoney motion to return to Select File lost with 11 ayes, 25 nays, 10 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 17. With Emergency.

A BILL FOR AN ACT to amend sections 77-3402, 77-3404, 77-3405, 77-3406, 77-3409, and 77-3410, Revised Statutes Supplement, 1980, relating to the Local Option Tax Control Act; to change petition requirements; to change the period of time a budget limitation is applicable; to harmonize provisions; to delete provisions for submission to the voters by resolution; to provide for termination of existing limitations; to repeal the original sections, and also section 77-3403, Revised Statutes Supplement, 1980; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
DeCamp
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Landis
Marsh
Newell
Nichol
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 12:

Clark
Dworak
Fenger
Haberman
Higgins
Labedz
Lamb
Maresh
Peterson, H.
Peterson, R.
Stoney
Von Minden

Present and not voting, 1:

Marvel

Excused and not voting, 2:

Barrett
Cullan

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 59. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to define terms; to provide for mineral interests to be filed with the county assessor; to provide for appeals; to provide for rules and regulations; to provide for severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 2:

Barrett
Cullan

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 167 to Select File

Mr. Newell moved to return LB 167 to Select File for the following specific amendment:

(FINAL READING COPY)

1. Strike original section 28.
2. On page 74, line 3, strike "31-753,".
3. Renumber original sections 29 to 55 as sections 28 to 54 respectively.
4. In the title, line 12, strike "31-753,".

Pending.

EASE

The Legislature was at ease from 9:50 a.m. until 10:25 a.m.

Messrs. Hoagland, Kremer, Warner, Clark, and Carsten were appointed to escort Former United States Secretary of State Edmund Muskie to the rostrum.

Mr. Muskie addressed the members.

The Committee escorted Mr. Muskie from the Chamber.

MOTION - Return LB 167 to Select File

Mr. Newell renewed his pending motion to return LB 167 to Select File for a specific amendment found in this day's Journal.

MR. CLARK PRESIDING

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

SPEAKER MARVEL PRESIDING

Mr. Newell requested a roll call vote.

Voting in the affirmative, 19:

Burrows
Carsten
Chambers
Dworak
Fowler
Hefner
Johnson, L.
Johnson, V.
Kilgarin
Lamb
Maresh
Marvel
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Sieck
Wesely

Voting in the negative, 20:

Beyer
Chronister
Cope
Cullan
Fenger
Goll
Haberman
Higgins
Hoagland
Kahle
Koch
Kremer
Labedz
Landis
Rumery
Stoney
Vickers
Von Minden
Warner
Wiitala

Present and not voting, 8:

Beutler
Clark
DeCamp
Fitzgerald
Marsh
Peterson, R.
Schmit
Wagner

Excused and not voting, 1:

Barrett

Absent and not voting, 1:

Goodrich

The Newell motion to return to Select File lost with 19 ayes, 20 nays, 8 present and not voting, 1 excused and not voting, and 1 absent and not voting.

Mr. Newell moved to return LB 167 to Select File for the following specific amendment found in the Journal on page 1291:
Strike the Enacting Clause.

Mr. Newell asked unanimous consent to withdraw his motion to return to Select File. No objections. So ordered.

Mr. Newell asked unanimous consent to have LB 167 laid over.

Mrs. Marsh objected.

Mr. Newell moved to have LB 167 laid over.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

MR. CLARK PRESIDING

Mr. Newell requested a roll call vote on his motion to lay the bill over.

Voting in the affirmative, 21:

Beutler
Burrows
Chambers
DeCamp
Dworak
Fitzgerald
Fowler
Goll
Johnson, L.
Johnson, V.
Kilgarin
Landis
Maresh
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Schmit
Sieck
Wesely

Voting in the negative, 22:

Beyer
Carsten
Clark
Cope
Fenger
Goodrich
Haberman
Hefner
Higgins
Hoagland
Kahle
Koch
Kremer
Labedz
Lamb
Marsh
Rumery
Stoney
Von Minden
Wagner

Warner Wiitala

Present and not voting, 4:

Chronister Marvel Peterson, R. Vickers

Excused and not voting, 1:

Barrett

Absent and not voting, 1:

Cullan

The Newell motion to lay LB 167 over lost with 21 ayes, 22 nays, 4 present and not voting, 1 excused and not voting, and 1 absent and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 167.

A BILL FOR AN ACT relating to interest; to amend sections 31-711.05, 39-1647, 42-358.02, 66-416, 66-621, 66-623, 66-625, 77-631, 77-666, 77-1005, 77-1859, 77-2618, 77-2708, 77-2709, 77-2788, and 77-2794, Reissue Revised Statutes of Nebraska, 1943, and sections 14-517, 14-535, 14-536, 14-537, 14-549, 15-271, 15-734, 15-821, 16-606, 16-622, 16-652, 16-664, 16-666, 16-669, 16-672.07, 16-672.09, 16-6,105, 17-515, 17-920, 17-923, 17-974, 18-406, 19-2404, 19-2418, 19-3316, 31-753, 39-1615, 45-103, 57-919, 77-207, 77-412, 77-1718, 77-1809, 77-1824, 77-1917, 77-2010, and 77-2102, Revised Statutes Supplement, 1980; to change certain provisions relating to rates of interest charged by the state and its political subdivisions on delinquent payments; to change maximum rates for certain bonds; to change a provision for interest on overpayments; to change provisions for interest on judgments; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 30:

Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Koch
Labedz
Landis
Marsh
Peterson, R.
Pirsch
Rumery
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 13:

Chambers
Fowler
Johnson, V.
Kahle
Kilgarin
Lamb
Maresh
Newell
Nichol
Peterson, H.
Remmers
Schmit
Sieck

Present and not voting, 5:

Cullan
Fitzgerald
Goll
Kremer
Marvel

Excused and not voting, 1:

Barrett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 9, 1981, at 11:00 a.m., were the following bills: 72 and 205.

(Signed) Hazel Kaltenberger, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 378 in the Journal. No objections. So ordered.

1. On page 5, line 8, after the underscored comma insert ‘‘home health agencies,’’ and in line 9 strike ‘‘home health agencies or’’ and show the old matter as stricken.

2. On page 6, line 20, strike ‘‘except’’ and insert ‘‘including’’.

3. On page 9, line 19, strike ‘‘(6), or (7)’’ and insert ‘‘(3), (7), or (8)’’.

4. On page 11, line 10, after ‘‘service’’ insert ‘‘other than a home health service,’’; after line 14 insert the following new subdivision:

‘‘(3) Offering a new home health service;’’; in line 15 strike ‘‘(3)’’ and insert ‘‘~~(3)~~ (4)’’; and in line 19 strike

"(4)" and insert "~~(4)~~ (5)".

5. On page 12, line 2, strike "(5)" and insert "(6)"; in line 5 strike "(4)" and insert "(5)"; and in line 8 strike "(6)" and insert "(7)".
6. On page 13, line 5, strike "(7)" and insert "(8)"; and in line 8 strike "(6)" and insert "(7)".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 40, 44, 87, 173, 292, 292A, 317, and 536.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 44

The following changes, required to be reported for publication in the Journal, have been made:

In E & R 6, line 2, "69-210, and 69-211," has been stricken and "and 69-210," has been inserted; line 5 has been stricken and "to provide for recovery of property by the owner;" has been inserted; and in line 7 "section 69-207" has been stricken and "sections 69-207 and 69-211" has been inserted.

Enrollment and Review Changes to LB 317

The following changes, required to be reported for publication in the Journal, has been made:

On page 11, line 23, and in the title, line 5, "sections 43-607 and" has been stricken and "section" has been inserted; and sections have been renumbered.

(Signed) Emory P. Burnett
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 54.

Introduced by Labedz, 5th District; Beyer, 3rd District; Burrows, 30th District; Carsten, 2nd District; Chronister, 18th District; Clark, 47th District; Cope, 36th District; DeCamp, 40th District; Dworak, 22nd District; Fenger, 45th District; Fitzgerald, 14th District; Fowler, 27th

District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; Johnson, V., 8th District; Kahle, 37th District; Kilgarin, 7th District; Koch, 12th District; Kremer, 34th District; Landis, 46th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Newell, 13th District; Nichol, 48th District; Peterson, H., 35th District; Pirsch, 10th District; Remmers, 1st District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Stoney, 4th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Wiitala, 31st District.

WHEREAS, Hymie Zorinsky, father of Nebraska's senior U.S. Senator Edward Zorinsky, died Monday at age 76; and

WHEREAS, Hymie Zorinsky emigrated from his native Russia to the United States and settled in Omaha, Nebraska; and

WHEREAS, Hymie Zorinsky started his own company and contributed to the business community of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Legislature extends its deepest sympathy to the family of Hymie Zorinsky and that a copy of this resolution be presented to Senator Edward Zorinsky on behalf of the family.

Laid over.

SELECT FILE

LEGISLATIVE BILL 284. E & R amendment found in the Journal on page 1268 for the Fifty-Sixth Day was adopted.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, Req. #2283, found in the Journal on page 1331. No objections. So ordered.

Mr. DeCamp renewed his pending amendment, Req. #2285, found in the Journal on page 1340.

Amendment pending.

VISITORS

Visitors to the Chamber were 40 students and teacher from Westlawn Elementary School, Grand Island; Senator V. Johnson's mother and father, Jean and Wilber Johnson from Columbus; Walter Robbie Robinson; 48 students and teachers from Arnold School, Lincoln; 6 students from Sacred Heart, Omaha; 71 students and teacher from Auburn; 16 students and teachers from St. Joseph's, York; 18 students and teacher from Loup City High School, Loup City; 36 students and teacher from Loveland Elementary, Omaha; 80 students and teacher from Schuyler; Randy Rasby, Vocational Agriculture Instructor of Madrid; 7 eighth grade students, teacher, and sponsors from Lake Alice School; and 9 eighth grade students, teacher, and sponsors from Lake Minatare School.

RECESS

At 12:00 noon, on a motion by Mrs. Marsh, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Barrett who was excused; and Mrs. Labedz, Messrs. Beutler, Nichol, and Warner who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 284. Mr. DeCamp renewed his amendment, Req. #2285, found in the Journal on page 1340 and pending in this day's Journal.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 16 nays, and 8 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The DeCamp pending amendment was adopted with 27 ayes, 12 nays, 8 present and not voting, and 2 excused and not voting.

Messrs. Schmit, H. Peterson, Lamb, Kahle, Maresh, Kremer, Hefner, and Goll offered the following amendment:
Req. #2293

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. It is the intent of the Legislature that replacement revenue for local taxing agencies as a result of exemptions allowed on certain classes of personal property not be shifted to other classes of property subject to taxation. Since (1) agricultural income-producing machinery and equipment, livestock, feed, fertilizer, and farm inventory, grain and seed, and poultry, fish, honey bees, and fur-bearing animals were exemptions related to agriculture and (2) business inventory was an exemption related to commerce and industry, the tax basis for distributing financial assistance pursuant to sections 1 to 5 of this act is hereby recognized and established.

Sec. 2. (1) For fiscal year 1980-81 and each fiscal year thereafter the Legislature shall appropriate seventy million dollars from the General Fund to a special fund to be known as the Political Subdivision Property Tax Relief Fund, which is hereby created. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

(2) For fiscal year 1980-81 and each fiscal year thereafter the Legislature shall annually appropriate and distribute seventy million dollars from the Political Subdivision Property Tax Relief Fund. Of such funds annually appropriated, thirty-seven million nine hundred seventy-seven thousand six hundred dollars shall be distributed based on the actual value of agricultural real estate within the state, thirty-one million twenty-two thousand four hundred dollars shall be distributed based on the actual value of commercial-industrial real estate in the state, and one million dollars shall be distributed based on the actual value of suburban-residential real estate within the state.

(3) For purposes of this section (a) actual value of agricultural real estate shall mean the total actual value of all agricultural lands, lots, and improvements in this state computed by adding the actual value of dry cropland, irrigated cropland, rangeland and meadow, pasture land, wasteland, agricultural improvements, and agricultural land or lots in each county as reported in lines 14 through 18, 20, 29, and 30 of the most current County Abstract of Assessment Form 45, (b) actual value of commercial-industrial real estate shall mean the total actual value of all suburban commercial land or lots, suburban commercial improvements, suburban industrial land or lots, suburban industrial improvements, commercial land or lots, commercial improvements, industrial land or lots, and industrial improvements in

this state computed by adding the actual value of real estate in each county as reported in lines 23 to 26 and 33 to 36 of the most current County Abstract of Assessment Form 45, and (c) actual value of suburban-residential real estate shall mean the total actual value of all suburban residential land or lots, suburban residential improvements, unimproved lots, residential land or lots, and residential improvements in this state computed by adding the actual value of real estate in each county as reported in lines 21, 22, 28, 31, and 32 of the most recent County Abstract of Assessment Form 45. For fiscal year 1980-81 funds shall be distributed based on the 1980 County Abstract of Assessment Form 45 as equalized by the State Board of Equalization and Assessment and for fiscal years 1981-82 and 1982-83 funds shall be distributed based on the 1981 and 1982 County Abstract of Assessment Form 45 as equalized by the State Board of Equalization and Assessment, and for each fiscal year thereafter funds shall be distributed based on the most current County Abstract of Assessment Form 45 as equalized by the State Board of Equalization and Assessment.

Sec. 3. Each county shall receive a share of the funds distributed pursuant to section 2 of this act based on the percentage figure obtained by dividing the total actual value of agricultural, commercial-industrial, and suburban-residential real estate in the county by the total actual value of agricultural, commercial-industrial, and suburban-residential real estate in the state. The Tax Commissioner shall determine the amount to be distributed to the various counties for distribution to the political subdivisions within such county and shall certify such amounts to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 1, 1980, and each December thereafter. For fiscal year 1980-81 the fund shall be distributed according to the same schedule except that any monthly payment not made prior to the effective date of this act shall be added to the initial payment made following the effective date of this act. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.

Sec. 4. Each political subdivision or portion of a political subdivision within a county, including the county itself, with authority to levy a tax or cause a tax to be levied shall receive a share of the funds distributed to the county in an amount equivalent to the percentage figure obtained by dividing the amount of property tax levied within the county by the political subdivision during the prior calendar year by the total amount of property tax levied within the county by all political subdivisions during the prior calendar year. Such amount shall be distributed by the county treasurer in seven as nearly as possible equal monthly payments beginning December, 1980, and each December thereafter. For fiscal year 1980-81 the fund shall be distributed according to the same schedule except that any monthly payment not made prior to the effective date of this act shall be added to the initial payment made following the effective date of this act.

Sec. 5. (1) If two or more political subdivisions within a county are merged, the share such newly merged political subdivision shall receive shall be the sum of the receipts each individual political subdivision would have received had there been no merger.

(2) If a political subdivision authorized to levy a tax or cause a tax to be levied is newly created, such political subdivision shall receive, commencing the first year such levy generates tax receipts, a share of the funds distributed to political subdivisions within a county computed pursuant to sections 3 and 4 of this act.

Sec. 6. That Laws 1980, LB 1002, section 5, be amended to read as follows:

Sec. 5. Agency No. 12 -- State Treasurer

(1) Program No. 146 - Aid to Governmental Subdivisions

GENERAL FUND	12,600,000
PROGRAM TOTAL	12,600,000

~~(2) Program No. 147 Personal Property Tax Relief~~

~~GENERAL FUND~~	~~70,000,000~~
~~PROGRAM TOTAL~~	~~70,000,000~~

For Informational Purposes Only: Total Appropriations to Agency No. 12 and Fund Source

GENERAL FUND	~~82,600,000~~
	12,600,000
AGENCY TOTAL	~~82,600,000~~
	12,600,000

Sec. 7. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 8. That Laws 1980, LB 1002, section 5, and also sections 77-3601 to 77-3604, Revised Statutes Supplement, 1980, and Laws 1980, LB 882 A, sections 1 and 2, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.''.

MR. CLARK PRESIDING

Mr. H. Peterson moved the previous question. The question is, ''Shall the debate now close?'' The motion lost with 6 ayes, 19 nays, and 24 not voting.

Mr. Newell moved the previous question. The question is, ''Shall the debate now close?'' The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Schmit et al amendment lost with 17 ayes, 23 nays, 7 present and not voting, and 2 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Kahle offered the following amendment:

Add one million five hundred thousand dollars to LB 284 and LB 284A.

Messrs. DeCamp and Carsten offered the following amendment to the Kahle amendment:

Strike ''one million five hundred thousand'' and insert ''seven hundred fifty thousand''.

Mr. Cullan moved the previous question. The question is, ''Shall the debate now close?'' The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

The DeCamp-Carsten amendment lost with 20 ayes, 25 nays, 2 present and not voting, and 2 excused and not voting.

The Kahle pending amendment lost with 16 ayes, 24 nays, 7 present and not voting, and 2 excused and not voting.

MR. CLARK PRESIDING

Mr. Lamb offered the following amendment:

Amend DeCamp amendment to LB 284 Journal page 1340 Page 1 Line 12

Strike "1981-82 and 1982-83" insert "and succeeding years" and strike Section 7 of the bill.

Mr. Cullan asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Vickers moved the previous question. The question is, Shall the debate now close?" The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

The Lamb amendment was adopted with 25 ayes, 17 nays, 4 present and not voting, and 3 excused and not voting.

Messrs. Wagner-Koch offered the following amendment:
Amend the bill by adding $500,000

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Mr. Wagner requested a roll call vote.

Voting in the affirmative, 22:

Burrows
Chronister
Clark
Fowler
Haberman
Hefner
Higgins
Kahle
Koch
Kremer
Labedz
Lamb
Maresh
Marvel
Newell
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Wiitala

Voting in the negative, 23:

Beutler
Beyer
Carsten
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Landis
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Schmit
Stoney
Wesely

Excused and not voting, 3:

Barrett
Cullan
Warner

Absent and not voting, 1:

Chambers

The Wagner-Koch amendment lost with 22 ayes, 23 nays, 3 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. Wesely moved to reconsider the adoption of the Lamb amendment.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

The Wesely motion to reconsider lost with 15 ayes, 22 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment with 33 ayes, 6 nays, 8 present and not voting, and 2 excused and not voting.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 68

April 8, 1981

Dear Senator Hoagland:

By letter dated March 23, 1981, you submitted to this office a request for an opinion on the constitutionality of section 19 of LB 253 currently pending before the Legislature. LB 253 would authorize the imposition of an annual litter fee on grocery retailers and on food, beverage, liquor, wine, and beer retailers who sell such products for consumption off premises. Section 19 of the bill purports to authorize a reduction of the fee assessed against any particular retailer when certain circumstances exist.

Essentially, the bill delegates to the Department of Revenue the task of determining whether a reduction in the litter fee is appropriate in any particular instance. It provides only that in requesting such a reduction, a retailer is required to provide information concerning (a) the nature of the business, (b) annual gross proceeds from the sales of products specified above, and (c) such other circumstances as may warrant a reduction in the litter fee. However, no specific circumstances relevant to a fee reduction request are identified, nor are any general standards set out clarifying what general kinds of consequences section 19 is intended to avoid. Apparently, these matters are left to the judgment of the Department of Revenue. We conclude that section 19 thereby amounts to an unconstitutional delegation of legislative power to that department.

It is a fundamental constitutional principle that in granting power to an administrative agency to implement an act, the Legislature itself must provide clear and sufficient standards reflecting the purpose and limitations of the act which serve as the framework for the agency rules and regulations. So long as the legislative act has clearly designated limitations and standards, empowering an administrative agency to implement the act is permissible. See, State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445 (1979), and Terry Carpenter, Inc. v. Nebraska Liquor Control Commission, 175 Neb. 26 (1963).

Here, we can find no such standards. It occurs to us that section 19 of the bill may reflect an attempt to shield more financially precarious retailers from undue consequences of the litter fee, but neither this concern nor that for any other consequence of the litter fee is expressed in section 19, or is able to be inferred. This is the responsibility of the Legislature, not the Department of Revenue.

Yours truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Shanler D. Cronk
Assistant Attorney General

SDC:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 69
April 9, 1981

Dear Senator DeCamp:

This is in reply to your inquiry concerning the new section 14 of LB 113 which provides as follows: "A club or club representative shall not make any reference in any advertising or sales promotional effort to the financial statement of another club filed in accordance with sections 12 and 13 of this act."

Sections 12 and 13 referred to in the above quote require a motor club to obtain a certificate of authority from the Director of Insurance before it may offer motor club services. To obtain such certificate of authority the motor club must, among other things file with the Department of Insurance a copy of the club's most recent financial statement prepared in accordance with generally accepted accounting principles.

Section 22 of said LB 113 makes it a Class III misdemeanor for any person to willfully violate the provisions of sections 1 to 21 of the act.

You inquire whether the provisions of section 14, set forth above violate the United States or Nebraska Constitutions as being special legislation, denial of freedom of speech or expression, denial of equal protection of the law, or in any other manner.

Section 6 of LB 113 provides in part:

> A club representative shall not be required to be a licensed insurance agent pursuant to Chapter 44 in connection with the sale of accidental injury and death benefits or other insurance covering a motor club service, which may be issued in conjunction with and as a part of a motor club service contract.

Section 7 defines motor club services to include but not limited to the rendering or reimbursement for towing services; emergency road services; emergency travel expense service; theft service, etc.

Neb.Rev.Stat. §44-102 (Reissue 1978) defines insurance as follows:

> Insurance is a contract whereby one party, called the insurer, for a consideration, undertakes to pay money or its equivalent, or to do an act valuable to another party, called the insured, or to his beneficiary, upon the happening of the hazard or peril insured against whereby the party insured or his beneficiary suffers loss or injury.

Thus it may be seen that motor club contracts as authorized under LB 113 may very well include provisions which would constitute said contracts to be insurance contracts as defined under §44-102 quoted above.

However, as to insurance companies generally, before being authorized to do business in Nebraska or before its authority is renewed, an insurance company must file an annual financial statement. See, Neb.Rev.Stat. §44-304, and §44-322 (Reissue 1978). Neb.Rev.Stat. §44-114(8) (Supp. 1980) then provides: "for copies of annual statements, which shall be made available to any person, persons, or corporation making request therefor, the fee shall be the actual cost."

Obviously these statutes contemplate that the financial statements of insurance companies on file with the Department of Insurance are available to the public, including competitors, and we have found no statutory restrictions on the use thereof such as contained in LB 113 as to the use of motor club financial statements.

In the case of United States Cold Storage Corp. v. Stolinski, 168 Neb. 513, 96 N.W.2d 408 (1959), the constitutionality of a Nebraska statute which required every person in charge of a warehouse where goods, except used household goods, were stored to file a report with the county assessor by a certain date listing information about the stored goods. Such goods were then subjected to taxation. In holding said statute unconstitutional, the Supreme Court of Nebraska stated:

> Used household goods are tangible property subject to taxation in this state. We fail to see any reason for excluding warehouses storing used household goods from the operation of the act. The exemption of such warehouses from the class appears to be wholly arbitrary. . . . The act creates an arbitrary classification of warehousemen upon which the act is to operate. It discriminates against some warehousemen and in favor of others. . . . Exceptions contained in a legislative classification cannot be justified if the discrimination thus made has no reasonable relation to the purposes of the act in which it is found. We find no reasonable basis for excluding warehouses storing used household goods, when the general purposes of the act are considered. The act clearly violates that part of Article III, section 18, of the Constitution which provides: "The Legislature shall not pass local or special laws in any of the following cases, that is to say: * * * Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever. In all other cases where a general law can be made applicable, no special law shall be enacted."

It appears to us that in the same manner the new section 14 of LB 113 would discriminate against motor clubs engaged in the insurance business, as defined above, as compared to all other types of insurance. We see no reasonable basis therefor.

We are also of the opinion that said section and its criminal sanction would be difficult to defend under the Fourteenth Amendment to the United States Constitution which provides in part: "No state shall . . . deny to any person within its jurisdiction the equal protection of the laws."

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 245A in the Journal. No objections. So ordered.

Return LB 245A to Select File to amend Section 1 by striking "one million, three hundred eight thousand, three hundred fifty-two dollars" and inserting "eight hundred eight thousand, three hundred fifty-two dollars."

Mr. DeCamp asked unanimous consent to print the following amendment to LB 113 in the Journal. No objections. So ordered.

1. Strike Standing Committee amendments 5 and 8.
2. Renumber original sections 13 to 27 as sections 12 to 26, respectively.
3. On page 2, line 1; page 10, lines 25 and 27; page 11, line 3; and page 12, lines 4 and 11 strike "22" and insert "21".
4. On page 5, line 7, after "of" insert "sections 1 to 21 of"; in line 9, after "with" insert "sections 1 to 21 of"; in line 12 after "of" insert "sections 1 to 21 of".
5. On page 7, line 15, after "to" insert "sections 1 to 21 of".
6. On page 8, line 7, after "of" insert "sections 1 to 21 of"; and in line 8, after "under" insert "sections 1 to 21 of".
7. On page 10, lines 1 and 23, after "in" insert "sections 1 to 21 of"; in lines 13 and 20 after "of" insert "sections 1 to 21 of"; and in line 14 after "under" insert "sections 1 to 21 of".
8. On page 11, line 5, before "this" insert "sections 1 to 21 of"; and in line 9, strike "21" and insert "20".
9. On page 12, line 10, strike "20" and insert "19".
10. In the title, lines 2 and 3 strike "of Nebraska".

CORRECTED STANDING COMMITTEE STATEMENT
Public Works

LEGISLATIVE BILL 344. Placed on General File as amended.
Standing Committee amendments to LB 344:

1. On page 4, line 8, after "citation" insert "and thirty days after the motorist has received notice from the appropriate official of the consequences of failure to comply".
2. On page 6, line 11, strike "this or"; and strike beginning with "or" in line 12 through "court" in line 13 and insert "outside this state pursuant to the Nonresident Violator Compact, until satisfactory evidence of compliance with the terms of the citation has been furnished to the director".

3. Insert the following new section:
"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Maurice Kremer, Chairperson

SPEAKER MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 284A. Mr. Carsten offered the following amendment:
1. Strike original section 4;

The amendment was adopted with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment with 33 ayes, 2 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 22A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 158A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 317A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 271. E & R amendment found in the Journal on page 1289 for the Fifty-Seventh Day was adopted.

Mr. Chambers requested a machine vote.

Advanced to E & R for Engrossment with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 132. E & R amendments found in the Journal on page 1289 for the Fifty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

VISITORS

Visitors to the Chamber were 6 students from Wesleyan University; 18 students from West School, Fairbury; 20 fourth grade students from Central School, Fairbury; 6 students and teachers from Dickens School, Dickens; 46 fourth grade students, teachers, and sponsors from Howard Elementary School, Grand Island.

ADJOURNMENT

At 4:00 p.m., on a motion by Mr. Fowler, the Legislature adjourned until 9:00 a.m., Friday, April 10, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIRST DAY - APRIL 10, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

SIXTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 10, 1981

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Senator H. Peterson.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch and Mr. Fitzgerald who was excused; and Mrs. Marsh, Messrs. Haberman, Koch, Kremer, Lamb, Schmit, Von Minden, Warner, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixtieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 257. Placed on Select File as amended.
E & R amendments to LB 257:

1. Insert the Warner amendment to the Warner amendment before the period in line 7.
2. In section 2, line 2, strike "are" and insert "is".
3. In the title, strike lines 2 to 19 and insert:

"FOR AN ACT to amend section 57-703, Reissue Revised Statutes of Nebraska, 1943, relating to oil and gas; to increase the severance tax; to provide an exemption; and to repeal the original section.".

LEGISLATIVE BILL 249. Placed on Select File as amended.
E & R amendment to LB 249:

1. In the title, strike line 3 and insert "sections";

in line 4 strike "71-2607,"; and strike lines 6 to 12 and insert "1943; to provide for appointment of the Director of Health; to change duties and authority of the director and the State Board of Health; to".

(Signed) Karen Kilgarin, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the final passage of LB 17, LB 59, and LB 167.

Had I been present, I would have voted "nay" to advance LB 40.

Had I been present, I would have voted "aye" to advance LB 284.

(Signed) William E. Barrett

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 9, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Crosby, Guenzel, Davis, Kessner & Kuester:
  Davis, Donn E. - Lincoln, National Indemnity Company (Withdrawn 3/31/81)
  Pace, Jack M. - Lincoln, National Indemnity Company (Withdrawn 3/31/81)
Ford, M. Jane - Lincoln, Southeast Nebraska Health Systems Agency (Withdrawn 4/14/81)
Knuth, Robert F. - Lincoln, Nebraska Association of Student Councils
Mueller, Raymond H., Jr. - Lincoln, Nebraska Advisory Council on Vocational Education
Rasmussen, Dennis - Lincoln, Jerry Milder (Withdrawn 3/31/81)
Withem, Ronald E. - Lincoln, Mechanical Contractors Association

UNANIMOUS CONSENT - Print in Journal

Mr. Sieck asked unanimous consent to print the following amendment to LB 298 in the Journal. No objections. So ordered.

1. Insert the following new section:

"Sec. 5. That section 84-155, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-155. The zoning board of adjustment of a county that has adopted a comprehensive development plan, as defined by section 23-114.02, and is enforcing zoning regulations based upon such a plan, shall, ~~effective January 1, 1976~~ upon request of the governing body of a village or second-class city, serve as the zoning board of adjustment for ~~all villages and cities~~ such village or city of the second class in that county. ~~Existing zoning boards of adjustment for such municipalities shall be dissolved on January 1, 1976.~~ A city of the first class may request that the county zoning board of adjustment of the county in which it is located serve as that city's zoning board of adjustment, and such county government shall comply with that request within ninety days. A municipality located in more than one county shall be served by request or otherwise only by the county zoning board of adjustment of the county in which the greatest area of the municipality is located, and the jurisdiction of such county zoning board of adjustment shall include all portions of the municipality and its area of extraterritorial control, regardless of county lines. In a county where there is a city of the primary class, the board of zoning appeals, created under section 23-174.01, may serve in the same capacity for all cities of the second class and villages in place of a zoning board of adjustment.".

2. On page 5, line 5, strike "and" and insert a comma; and in line 6 after the first comma insert "and 84-155,".

3. Renumber original section 4 as section 6.

RESOLUTION

LEGISLATIVE RESOLUTION 55.

Introduced by DeCamp, 40th District.

WHEREAS, Ernest Weller was one of the original members of the Interior Livestock Marketing Association; and

WHEREAS, Ernest Weller passed away at the age of 81 on the fifth day of April, 1981; and

WHEREAS, Ernest Weller and his wife, Frances, established the Weller Foundation for the purpose of offering scholarships to high school seniors in north central Nebraska; and

WHEREAS, Ernest Weller was a long-time resident of Atkinson, Holt County, Nebraska, and was active in establishing and promoting public sale barn auction markets.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature acknowledge Ernest Weller's contributions to Nebraska and extend their deepest sympathy to his family.
2. That the Clerk of the Legislature send a copy of this resolution to the family of Ernest Weller.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 17, 59, and 167.

ANNOUNCEMENT

President Luedtke announced today is Senator Goll's birthday.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 333. With Emergency.

A BILL FOR AN ACT to amend sections 2-3914, 2-3923, 2-3930, and 2-3941, Revised Statutes Supplement, 1980, relating to the Nebraska Manufacturing Milk Act; to redefine terms; to change licensing procedures; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 39:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Labedz
Landis
Maresh
Marvel
Newell
Nichol
Peterson, H.

Peterson, R.
Remmers
Rumery
Sieck
Stoney
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 10:

Fitzgerald
Haberman
Koch
Kremer
Lamb
Marsh
Pirsch
Schmit
Von Minden
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 329.

A BILL FOR AN ACT to amend sections 44-3601 to 44-3607, 44-3609, and 44-3611, Revised Statutes Supplement, 1980, relating to insurance; to include group policies under the act; to change internal references; to define and redefine terms; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Landis
Maresh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 8:

Fitzgerald
Haberman
Koch
Lamb
Marsh
Pirsch
Von Minden
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER MARVEL PRESIDING

UNANIMOUS CONSENT - Withdraw Amendment to LB 483

Mrs. Labedz asked unanimous consent to withdraw her pending amendment found in the Journal on page 1308 to LB 483. No objections. So ordered.

MOTION - Return LB 483 to Select File

Mr. Chambers moved to return LB 483 to Select File for the following specific amendment:

1. Insert new sections as follows:

"Sec. 2. Any person with a retailer's license issued pursuant to Chapter 53, article 1, shall be liable for any injury to a patron which occurs on the premises of the retailer resulting from the patron's use or participation with any mechanical riding device provided for the entertainment, enjoyment, or pleasure of patrons. The liability established by this section may not be waived by a patron.

Sec. 2. Section 2 of this act shall become operative on January 1, 1982.".

2. Renumber original section 2 as section 4.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Mr. Chambers requested a roll call vote on his motion.

Voting in the affirmative, 17:

Burrows
Chambers
Chronister
Cope
Cullan
DeCamp
Fowler
Hoagland
Kilgarin
Kremer
Maresh
Marvel
Peterson, H.
Remmers
Rumery
Sieck
Wesely

Voting in the negative, 26:

Barrett
Beutler
Beyer
Carsten
Clark
Dworak
Fenger
Goll
Goodrich
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Koch
Labedz
Lamb
Landis
Newell
Nichol
Peterson, R.
Schmit
Stoney
Vickers
Wagner
Wiitala

Excused and not voting, 6:

Fitzgerald
Haberman
Marsh
Pirsch
Von Minden
Warner

The Chambers motion to return to Select File lost with 17 ayes, 26 nays, and 6 excused and not voting.

Mrs. Labedz moved to return LB 483 to Select File for the Labedz-Hefner specific amendment found in the Journal on page 1362.

MR. CLARK PRESIDING

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Labedz motion to return to Select File prevailed with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 483. The Labedz-Hefner specific amendment found in the Journal on page 1362 was adopted with 29 ayes, 2 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 483 to Select File

Mr. Chambers moved to return LB 483 to Select File for the following specific amendment:

"It shall be unlawful for any person with a retailer's license issued pursuant to Chapter 53, article 1 to operate or allow to be operated on the retailer's premises any mechanical riding device provided for the entertainment, enjoyment or pleasure of patrons."

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 17:

Chambers
Cullan
DeCamp
Dworak
Fowler
Hoagland
Johnson, V.
Kilgarin
Kremer
Maresh
Newell
Nichol
Remmers
Sieck
Vickers
Warner
Wesely

Voting in the negative, 21:

Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Goll
Goodrich
Hefner
Higgins
Johnson, L.
Kahle
Koch
Lamb
Landis
Marvel
Peterson, H.
Schmit
Stoney
Wagner

Present and not voting, 6:

Burrows
Fenger
Labedz
Peterson, R.
Rumery
Wiitala

Excused and not voting, 5:

Fitzgerald
Haberman
Marsh
Pirsch
Von Minden

The Chambers motion to return to Select File lost with 17 ayes, 21 nays, 6 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Kremer asked unanimous consent to be excused Monday and Tuesday, April 13 and 14, 1981. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 328 in the Journal. No objections. So ordered.

Req. #2300

1. On page 4, line 9, after "Board" insert "and the Jail Standards Board".

2. Insert new sections as follows:

"Sec. 2. That section 81-1425, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1425. The executive director of the commission shall:

(1) Supervise and be responsible for the administration of the policies established by the commission;

(2) Establish a Jail Standards subdivision within the commission and establish, consolidate, or abolish any other administrative subdivision within the commission and appoint and remove for cause the heads thereof, and delegate appropriate powers and duties to them;

(3) Establish and administer projects and programs for the operation of the commission;

(4) Appoint and remove employees of the commission and delegate appropriate powers and duties to them;

(5) Make rules and regulations for the management and the administration of policies of the commission and the conduct of employees under his or her jurisdiction;

(6) Collect, develop, and maintain statistical information, records, and reports as the commission may determine relevant to its functions;

(7) Transmit monthly to the commission a report of the operations of the commission for the preceding calendar month;

(8) Execute and carry out the provisions of all contracts, leases, and agreements authorized by the commission with agencies of federal, state, or local government, corporations, or persons;

(9) Perform such additional duties as may be assigned to him or her by the commission, the ~~chairman~~ chairperson of the commission, or by law; and

(10) Exercise all powers and perform all duties necessary and proper in carrying out his or her responsibilities.

Sec. 3. All furniture, equipment, books, files, records, and other property, in the possession of the Department of Correctional Services in connection with the operation of the Jail Standards Board shall be transferred to the Nebraska Commission on Law Enforcement and Criminal Justice.

Sec. 9. That section 83-945, Revised Statutes Supplement, 1980, be amended to read as follows:

83-945. It is hereby declared to be the policy of the State of Nebraska that all criminal detention facilities in the state shall conform to certain minimum standards of construction, maintenance, and operation.

To further such policy, the Jail Standards Board is hereby created. For administrative and budgetary purposes ~~only,~~ such board shall be within the Nebraska Commission on Law Enforcement and Criminal Justice. ~~Department of Correctional Services. Nothing in this act shall be construed to give the Director of Correctional~~

~~Services any authority, power, or responsibility over the board or the exercise of its functions under this act other than as a member of the board.~~ The board shall consist of the Director of Correctional Services or his or her designee and nine appointive members, three of whom shall be from each of the three congressional districts, to be appointed by the Governor. The appointive members of the board shall be appointed from recommendation lists containing at least three names from the Nebraska District Judges Association, the Nebraska Association of County Officials, the Nebraska County Sheriffs Association, the Nebraska Bar Association, and the Police Officers Association of Nebraska. The members of the board shall be from the following areas: (1) One district judge; (2) two county commissioners or supervisors; (3) one county sheriff; (4) one municipal police chief; (5) one member of the Nebraska Bar Association; (6) three lay people; and (7) the Director of Correctional Services or his or her designee.

The term of office for all members initially appointed shall be three years. Upon completion of the initial term of the board, the Governor shall appoint one member from each congressional district for a term of one year, one member from each congressional district for a term of two years, and one member from each congressional district for a term of three years. For purposes of this section congressional district shall mean the congressional districts as they exist on July 19, 1980. Succeeding appointees shall be representative of the same congressional district and shall be appointed for terms of three years, except appointees to vacancies occurring from unexpired terms, in which case the successor shall serve out the term of his or her predecessor. Members whose terms have expired shall continue to serve until their successors have been appointed.

The members of the board shall serve without compensation, but they shall be reimbursed for their actual expenses while engaged in the performance of their official duties.

Sec. 10. That section 83-950, Revised Statutes Supplement, 1980, be amended to read as follows:

83-950. Personnel of the ~~Jail Standards Board~~ Nebraska Commission on Law Enforcement and Criminal Justice shall visit and inspect each criminal detention facility in the state for the purpose of determining the conditions of confinement, the treatment of prisoners, and whether such facilities comply with the minimum standards established by the board. A written report of each inspection shall be made within thirty days following such inspection to the appropriate governing body and the district judge responsible for the criminal detention facility involved. The report shall specify those areas in which the facility does not comply with the required minimum standards.

Sec. 11. This act shall become operative on July 1, 1981.

Sec. 13. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. On page 7, line 14, after "original" insert "section 81-1425, Reissue Revised Statutes of Nebraska, 1943, and"; in line 15 strike "and" and after "81-1833," insert "83-945, and 83-950,".

4. Renumber remaining sections accordingly.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 70

April 6, 1981

Dear Senator Chambers:

This opinion is in response to your letter of April 2, 1981 in which you have asked seven questions concerning LB 205, a bill related to fire investigations. These questions relate to the final reading copy of the bill along with the amendments to it found at pp. 1240-1242 of the Legislative Journal, 55th Day, April 1, 1981. This bill would amend Neb.Rev.Stat. § 81-509 (Reissue 1976) and Neb.Rev.Stat. § 81-1401 (Supp. 1980), as well as create a new section covering arson investigators.

1. LB 205 would amend Neb.Rev.Stat. § 81-1401 (Supp. 1980) which sets out the definitions used in Neb.Rev.Stat. § 81-1401 to § 81-1414, Nebraska Law Enforcement Training Center. The bill adds "authorized arson investigator" to the definition of "law enforcement officer." LB 205, section 3(3)(v). Your question is whether the definition is valid. This section states that a law enforcement officer:

> [I]ncludes but is not limited to:
>
> . . .
>
> (v) A full-time employee of an organized and paid fire department of any city of the metropolitan class, who is an authorized arson investigator, and whose duties consist of determining the cause, origin, and circumstances of fires or explosions, while on duty in the course of an investigation.

It is our opinion that this definition is adequate. It sets out certain criteria necessary for an authorized arson inspector including the type of fire department the person must work for and the duties of such a position. The characteristics of an "authorized arson investigator" suitable for inclusion in the definition of "law enforcement officer" can easily be discerned. Furthermore, the context of this language must be considered. The definition of "law enforcement officer" in Neb.Rev.Stat. § 81-1401 (Supp. 1980) merely sets out that class of persons who have priority for training at the Nebraska Law Enforcement Training Center. Neb.Rev.Stat. § 81-1412 (Reissue 1976).

2. Part of the proposed definition of law enforcement officer in LB 205 section 3(3)(v) includes the language "while on duty in the course of an investigation." It is our opinion that this language is an adequate part of the job description. Similar language is found in section 1 of this bill. It serves to emphasize that an authorized arson investigator is classified as a peace officer and has powers of arrest, search and seizure, and securing and service of warrants only while on duty investigating possible cases of arson.

3. The provisions of sections 1 and 3 of this bill apply only to arson investigators in cities of the metropolitan class. Such cities are defined in Neb.Rev.Stat. § 14-101 (Reissue 1977) as those with a population of 300,000 or more. At the present time, Omaha is the only city of the metropolitan class in Nebraska.

In order to determine if such a limitation is constitutional, two matters must be considered: whether or not the classification creates a permanently closed class and whether or not the classification is arbitrary or unreasonable in relation to the purpose of the bill.

The classification does not create a closed class. If other communities in Nebraska attain the requisite population to become cities of the metropolitan class, they would come within the scope of this bill. LB 205 can be distinguished from cases where the classification would always limit the application of the law to present conditions. State ex rel. Douglas v. Marsh, 207 Neb. 598, 607, ___ N.W.2d __ (1980).

However, there are possible constitutional difficulties on the issue of the reasonableness of the classificiation in relation to the bill's purpose. It is unclear why the granting of police officer powers and status should be available only to arson inspectors in cities of the metropolitan class.

Although the Legislature has the power to create classifications, these may not be arbitrary.

> A legislative classification, in order to be valid, must be based upon some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the

> objects to be classified. Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a substantial difference.

City of Scottsbluff v. Tiemann, 185 Neb. 256, 266, 175 N.W.2d 74 (1970)

4. An amendment to LB 205 section 3(3)(v) changes the language from "on duty in the course of any such investigation" to "on duty in the course of an investigation." While it may not be clear why this change was made, it is our opinion that it does not expand the authority of an authorized arson investigator contemplated by this bill. It is still clear that the duties of such a position are limited to the determination of the "cause, origin, and circumstances of fires or explosions." As stated above, this section merely defines those persons eligible to attend the Nebraska Law Enforcement Training Center. The language in section 1 of this bill, "while on duty and in the course of any such investigation," has not been changed. Furthermore, the second paragraph of section 1 explicitly states, "Any person granted the powers enumerated in this section may exercise such powers only while on duty and during the course of investigating the cause, origin, and circumstances of a fire."

5. The qualifications for being classified as a peace officer under section 1 of LB 205 include being "a sworn member of an organized and paid fire department of any city of the metropolitan class." A further requirement is that the person "have been an active member of an organized fire department for a minimum of six years." These two sentences can refer to different situations. Together they mean that granting of peace officer status to arson investigators requires not only that the investigator presently be a sworn member of an organized and paid fire department in a metropolitan city but also that she or he have been an active member of an organized fire department for at least six years. However, she or he need not have been paid by the latter fire department, nor does the latter department need to have been in a metropolitan city.

6. The "city" referred to in line 21 of section 1 (LB 205, Final Reading, p. 2) refers to the city of metropolitan class where the authorized arson investigator would be presently employed. "Such person . . . shall meet the minimum qualifications and training standards established by the city for all firefighters."

7. There is no legal difficulty from the lack of a specific statutory cross-reference between sections 1 and 3 of LB 205. The two sections amend two different statutes. Section 1, which provides peace officer authority to certain authorized arson investigators, states that such persons may carry weapons only if they have completed training "offered or approved by the Nebraska Law Enforcement Training

Center or equivalent training offered by such city." Section 3 defines who has priority for such training at the Law Enforcement Training Center. It is our view that this cross-reference is sufficient.

In conclusion, it appears that LB 205 is adequate with respect to most of the questions you have raised. However, the limitation of police officer powers and status to arson investigators in cities of the metropolitan class may be constitutionally suspect.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Dale D. Brodkey
Assistant Attorney General

DDB:pes
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 71
April 8, 1981

Dear Senator Marsh:

LB 466 as amended would make it unprofessional conduct for a physician to perform an abortion when he or she will not be available for a period of at least 48 hours for post-operative care unless such post-operative care is delegated to and accepted by another physician. You ask whether such a provision is constitutional. We have concluded it may not be.

An abortion is a legitimate medical procedure to which a woman has a right as limited by a compelling state interest, See, Roe v. Wade, 410 U.S. 113 (1973), and Doe v. Bolton, 410 U.S. 179 (1973). According to the Court in Wade, above, the state's interest in the health of the mother reaches the compelling point at approximately the end of the first trimester. The state's important and legitimate interest in potential life reaches the compelling point at viability. The Court held unconstitutional a statute which made no distinction between abortions performed early in pregnancy and those performed later and which limited the legal justification for the procedure to a single reason, "saving" the mother's life.

The court referred to Bolton, above, as one to be read with it.

> The decision vindicates the right of the physician to administer medical treatment according to his professional judgment up to the points where important state interests provide compelling justifications for intervention. Up to those points, the abortion decision in all its aspects is inherently, and primarily, a medical

> decision, and basic responsibility for it must rest with the physician. If an individual practitioner abuses the privilege of exercising proper medical judgment, the usual remedies, judicial and intra-professional, are available.

Supra, at 165-166. Similarly, from Lincoln Dairy Company v. Finigan, 170 Neb. 777, 104 N.W.2d 227 (1960), we can infer that the Legislature may not under the guise of police regulation stifle legitimate business or make constitutional rights subservient to pressure groups seeking enactment of statutes advantageous to their particular point of view. To single out abortion procedures for special treatment from other medical procedures not only would have a chilling effect on constitutional rights but it may be an unconstitutional classification.

To be constitutional under Article III, Section 18, of the Nebraska Constitution, a classification should rest upon some difference in situation or circumstances between the thing or person placed in one class and that placed in another. Invalid class legislation denies rights to one which are accorded to others or inflicts upon one individual a more severe penalty than is imposed upon another in like case of offending. To be constitutional the class must be based on some reason suggested by such a difference in the situation and circumstances of the subjects placed in different classes as to disclose the necessity or propriety of different legislation in respect to them. See, Galloway v. Wolfe, 117 Neb. 824, 826 (1929).

LB 466 as amended would also redefine "health clinic" to include the residence, office or clinic of a private physician if ten or more abortions per week are performed there. We have concluded that such a provision is probably unconstitutional as qualified below.

Health clinics are licensed in Nebraska to provide for the development, establishment and enforcement of basic standards for the care of persons in them and for the construction, operation and maintenance of them in such a way as to insure the safe and adequate care of persons in such facilities. See, Neb.Rev.Stat. §71-2017 (Reissue 1976).

The exemption of physicians' offices from licensing under Neb.Rev.Stat. §71-2017.01 (Reissue 1976) is proper only when the result of such action is not inimical to the public interests upon which the validity of the licensing statute was predicated. See, Federal Realty Corp. v. Zoning Board of Review of the City of Warwick, 96 R.I. 76, 189 A.2d 347 (1963). It follows that withdrawal of that exemption is proper when the result of it is inimical to the public interests upon which the validity of the licensing statute was predicated.

Health services in a health clinic are available only on an outpatient basis and for a period not exceeding 24 consecutive hours. See, Neb.Rev.Stat. §71-2017.01(4) (Reissue 1976). Thus, assuming the validity of the exception for physicians' offices under current law, there would be no justification for withdrawing the exemption because of the number of patients treated in any week. As discussed above, there may be an unconstitutional classification by singling out abortions from other medical procedures.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 72
April 9, 1981

Dear Senator Chambers:

In a recent letter to this office you asked if the City of Omaha may use its power of eminent domain to purchase or acquire privately owned real estate which will then be turned over to a corporation which is organized for charitable, educational and religious purposes. Subsequent thereto, you provided this office with a packet of information which contains five numbered pages, which may be cursory described as follows:

A. Pages 1 and 2 are photo copies of a letter addressed to a certain person from the Housing and Community Development Department of the City of Omaha. This letter advises the addressee that certain property, which the addressee is the owner, is included in the Long School Neighborhood Redevelopment Plan and will be acquired this year.

B. Page 3 is a photo copy of a letter, with a uniform purchase agreement (page 4) attached, whereby a certain realtor advises the addressee that Father Flanagan's Boys Home is willing to purchase the above described property for a certain price.

C. Page 5 is a photo copy of your request letter.

The above described documents are helpful for an understanding of this aspect of the law. The documents indicate, for example, that the City of Omaha is proceeding in this matter pursuant to the Community Development Law, Neb.Rev.Stat. §§18-2101 to 18-2144 (Reissue 1977) as amended. In enacting this law, the Legislature found that there exist in cities and villages of this state areas which have deteriorated and become substandard and blighted. It further found that these conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by this law. See, Neb.Rev.Stat. §18-2102 (Reissue 1977).

In addition to examining the above described documents we have done a considerable amount of independent investigation. That investigation discloses that the Housing and Community Development Department of the City of Omaha has drafter, pursuant to the Community Development Law, what has become known as the Long Neighborhood Redevelopment Plan (herein after, "Plan") which covers approximately a 16 square block "substandard and blighted" area in North Omaha. The Plan, which was approved by the Omaha City Council on December 9, 1980, calls for redevelopment of the area. It is anticipated that it will improve the residential integrity of the neighborhood, decrease the amount of vacant, unmaintained land, and provide a method by which certain existing housing can be preserved. Pursuant to the Plan, all occupied properties are to be acquired by a private developer. The City of Omaha would use its acquisition ability to assemble vacant properties, some of which the true owner is apparently unknown. The acquisition of these properties, pursuant to the Plan, is to be financed by a fund established by a private developer.

To implement the Plan, a Request for Proposals was subsequently advertised, calling for proposals to be submitted by January 7, 1981. One proposal, that of the Boy's Town Urban Program, was received. The Selection Committee, composed of the Directors of the Finance, HCD, Planning, and Parks and Recreation Departments, the City Attorney, and a representative of the Mayor's Office, met on January 8, 1981, to evaluate the proposal. The Committee found the Proposal to be substantially consistent with the Plan and the Request for Proposals and voted unanimously to recommend its approval to the City Council. It was accepted. To carry out its duties under the Plan, Father Flanagan's Boys' Home has acquired, through negotiation, many of the occupied properties. It has also assisted many of the former owners of these properties to relocate. To carry out its duties under the Plan, the City of Omaha has acquired, through negotiation, some of the vacant properties. If it is unable to acquire all the vacant properties described in the plan by negotiation, the City of Omaha has statutory authority to use its power of eminent domain to acquire such property. Neb.Rev.Stat. §18-2122 (Reissue 1977). It also has statutory authority to sell such property by negotiation at fair value after inviting proposals by notices in a legal newspaper.

Neb.Rev.Stat. §18-2118 (Supp. 1980) and Neb.Rev.Stat. §18-2119 (Reissue 1977). It also has discretion to dispose of such property to private redevelopers for redevelopment "under such reasonable competitive bidding procedures as it shall prescribe." Neb.Rev.Stat. §18-2119 (Reissue 1977). In either case, the redeveloper, whether it be an individual, an association, a religious or a non-religious corporation, is not getting a gift of public property because it must pay the fair value of such property. The State of Missouri has very similar statutes. In 64th Street Residences, Inc. v. City of New York, 4N.Y.2d 268, 174 N.Y.S.2d 1, 150 N.E.2d 396 (1958), cited with approval in Kintzele v. City of St. Louis, 347 S.W.2d 695, 700 (Mo. 1961), the Court pointed out: "[S]ince this sale is an exchange of considerations and not a gift or subsidy, no 'aid to religion' is involved and a religious corporation cannot be excluded from bidding." We are therefore of the opinion that the City of Omaha may use its power of eminent domain pursuant to the Community Development Law to purchase privately owned real estate and that it may sell such real estate pursuant to that law at its fair value to a religious corporation.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:jmf
CC: Mr. Patrick O'Donnell
Clerk of the Legislature

SELECT FILE

LEGISLATIVE BILL 253. E & R amendments found in the Journal on page 1289 for the Fifty-Seventh Day were adopted.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment found in the Journal on page 1106. No objections. So ordered.

Mr. DeCamp offered the following amendment:

1. Strike original section 19.
2. In the DeCamp amendments on page 1177 of the Journal:
   a. On page 1, lines 2, 5, 8, 10, 13, 20, 24 and 26, strike "to 19" and insert "to 18"; and in lines 14, 16, and 22 strike "19" and insert "18".
   b. On page 2, line 1 strike "to 19"

and insert "to 18".
c. Strike amendment 14.
3. Strike E & R amendment 2.
4. Renumber original sections 11 to 18, 20 to 26, 28, and 29 as sections 10 to 17, 18 to 24, 25, and 27 respectively.
5. Insert the following new section:
"Sec. 27. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".
6. Renumber remaining sections accordingly.

The amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 253A. Mr. Hoagland requested a machine vote.

Advanced to E & R for Engrossment with 25 ayes, 6 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 466. E & R amendment found in the Journal on page 1290 for the Fifty-Seventh Day was adopted.

Messrs. Landis and Fowler moved to indefinitely postpone LB 466.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 243. Title read. Considered.

Standing Committee amendment found in the Journal on page 676 for the Thirty-Second Day was considered.

Mr. Schmit moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Standing Committee amendment was adopted with 26 ayes, 3 nays, 15 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Schmit renewed his pending amendment found in the Journal on page 1337.

The amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Mr. Sieck moved to indefinitely postpone LB 243.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Motion pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Kremer asked unanimous consent to print the following amendment to LB 326 in the Journal. No objections. So ordered.

1. On page 4, line 6, after the period insert "The Governor or his or her appointed alternate shall serve as the chairperson of the interagency water coordinating committee.".

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 10, 1981, at 10:33 a.m., were the following bills: 17, 59, and 167.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 22A, 158A, 317A, and 271.

(Signed) Karen Kilgarin, Chairperson

VISITORS

Visitors to the Chamber were 50 students and teachers from Elkhorn Hill Rise School, Elkhorn; 27 students and teacher from Seward Elementary School, Seward; members of Communications Workers of America; 33 girl scouts and leaders from Guiding Star Girls Scout Council; 58 students, teachers, and adults from Millard Public School; 58 fourth grade students and teachers from La Vista West; 6 students and teacher from Rural District 4, Antelope County; 7 students and teacher from Newport Grade School, and Sybrant Community School; 36 students, sponsor, and adults from Neligh; 21 students and teacher from Lincoln Christian School; and Mrs. Roger Pribyl of Milligan, and Mrs. Mark Becker of Exeter.

RECESS

At 11:59 a.m., on a motion by Mr. Cope, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Fitzgerald and Mrs. Pirsch who were excused; and Mesdames Higgins and Labedz, Messrs. Barrett, Clark, Hefner, V. Johnson, Landis, Newell, and Nichol.

REPORT OF EMPLOYEES

To: Patrick O'Donnell
Clerk of the Legislature
From: Laura Ashelford
Legislative Accountant
Re: Session Employee Expense

During the month of March 1981, 147 full and part-time Senators' session employees and temporary session employees were paid a total of $138,498.31. Of this amount, $166.29 was overtime.
Detailed information is on file in the Accounting and Budgeting Office.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 3 in the Journal. No objections. So ordered.

Amend the Goodrich-Landis amendment to LB 3 on pg. 1342 of the Journal by striking the word "diversified" in line 2, and by inserting a "period" after the word "facility" in line 3, and striking the remainder of the sentence.

GENERAL FILE

LEGISLATIVE BILL 243. Mr. Sieck renewed his pending motion to indefinitely postpone.

The motion to indefinitely postpone lost with 12 ayes, 25 nays, 7 present and not voting, and 5 excused and not voting.

Mr. Haberman offered the following amendment:
1 1. On page 3, line 11, strike "The" and
2 insert "Except as provided in section 3 of this act,
3 the".
4 2. Insert the following new sections:
5 "Sec. 3. The restriction on the use of
6 eminent domain provided in subsection (2) of section
7 2-3234 shall not apply to any purpose or project for
8 which construction bids were let prior to the effective
9 date of this act.
10 Sec. 4. If any section in this act or any
11 part of any section shall be declared invalid or
12 unconstitutional, such declaration shall not affect
13 the validity or constitutionality of the remaining
14 portions thereof.".
15 3. Renumber original sections 3 and 4 as
16 sections 5 and 6, respectively.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment to the Haberman amendment:

By deleting the words "construction bids were let" in line 8 and replace it with the words "funds have been expended or obligated".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Beutler amendment to the Haberman amendment was adopted with 19 ayes, 9 nays, 16 present and not voting, and 5 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 6 nays, and 23 not voting.

Messrs. Cope and Newell asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Messrs. Maresh and Warner asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman moved for a Call of the House. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Barrett
Beutler
Beyer
Carsten
Chambers
Dworak
Goodrich
Hefner
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Stoney
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 18:

Burrows
Chronister
Cullan
DeCamp
Fenger
Goll
Haberman
Higgins
Johnson, L.
Kahle
Lamb
Marvel
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Von Minden

Present and not voting, 3:

Marsh
Nichol
Sieck

Excused and not voting, 8:

Clark
Cope
Fitzgerald
Fowler
Maresh
Newell
Pirsch
Warner

The Haberman amendment, as amended, lost with 20 ayes, 18 nays, 3 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

Mr. Koch offered the following amendment:
On page 3, after line 10, insert
"(3) Notwithstanding any other provisions of law, a district which acquires agricultural land through exercise of the power of eminent domain shall not be required to pay as compensation for such land an amount greater than the taxable value as determined by the county assessor pursuant to section 77-201."

Mr. Koch asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. Schmit moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Schmit requested a roll call vote to advance the bill.

Voting in the affirmative, 23:

Beyer
Burrows
Carsten
Chronister
Cullan
DeCamp
Fenger
Goll
Goodrich
Hefner
Higgins
Johnson, L.
Kahle
Labedz
Lamb
Marvel
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Von Minden
Wesely

Voting in the negative, 15:

Barrett
Beutler
Chambers
Haberman
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Landis
Sieck
Stoney
Vickers
Wagner
Wiitala

Present and not voting, 3:

Dworak
Marsh
Nichol

Excused and not voting, 8:

Clark
Cope
Fitzgerald
Fowler
Maresh
Newell
Pirsch
Warner

Failed to advance to E & R for Review with 23 ayes, 15 nays, 3 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 298 in the Journal. No objections. So ordered.

Req. #2302

1. Insert the following new section:

“Sec. 2. That section 15-902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-902. Every city of the primary class shall have power in the area which is within the city or within three miles of the corporate limits of the city and outside of any organized city or village to regulate and restrict the location, height, bulk, and size of buildings and other structures; the percentage of a lot that may be occupied; the size of yards, courts, and other open spaces; the density of population; and the locations, and uses of buildings, structures, and land for trade, industry, business, residences, and other purposes. Such city shall have power in this area to divide the area zoned into districts of such number, shape, and area as may be best suited to carry out the purposes of this section, and to regulate, restrict, or prohibit the erection, construction, reconstruction, alteration or use of buildings, structures, or land within the total area zoned or within districts; Provided, that all such regulations shall be uniform for each class or kind of buildings throughout each district, even though regulations for one district may differ from those applicable to other districts. At least one district in the city shall provide for the use of land for mobile home courts and individually-owned lots in mobile home courts. The city may prescribe reasonable and necessary requirements of the site development for mobile homes in such districts in accordance with local standards. Such zoning regulations shall be designed to secure safety from fire, flood, and other dangers and to promote the public health, safety, and general welfare, and shall be made with consideration having been given to the character of the various parts of the area zoned and their peculiar suitability for particular uses and types of development, and with a view to conserving property values and encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan. Such zoning regulations may include reasonable provisions regarding nonconforming uses and their gradual elimination.”.

2. On page 6, line 23, after "14-402," insert "15-902,".

3. Renumber remaining sections accordingly.

Mr. Cullan asked unanimous consent to print the following amendment to LB 296 in the Journal. No objections. So ordered.

Req. #2225

1. Strike the original sections and insert the following new sections:

"Section 1. As used in this act, unless the context otherwise requires, the definitions found in sections 2 to 8 of this act shall apply.

Sec. 2. Apartment house shall mean any building which is occupied as the home or residence of three or more families or persons living independently of each other and doing their own cooking in the building, and such term shall include buildings containing three or more apartments.

Sec. 3. Dwelling shall mean any building which is not an apartment house, lodging house, hotel, or mobile home and which contains one or two dwelling units which are, or are intended or designed to be, occupied for living purposes, except that such term shall not include any manufactured housing unit constructed pursuant to sections 71-1555 to 71-1567 on or after January 11, 1977.

Sec. 4. Dwelling unit shall mean a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, or a single unit used by one or more persons for sleeping and sanitation pursuant to a work practice or labor agreement.

Sec. 5. Hotel shall mean any building, or portion thereof, containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

Sec. 6. Lodging house shall mean any building, or portion thereof, containing not more than five guest rooms which are used or are intended to be used for sleeping purposes by guests and for which rent is paid in money, goods, labor, or otherwise.

Sec. 7. Mobile home shall mean every transportable or relocatable device of any description which was constructed prior to September 28, 1975, containing complete, independent living facilites for one or more persons whether or not permanently attached to the real estate upon which it is situated.

Sec. 8. Remodeled shall mean the alteration or reconstruction of an existing building for which a building permit is required to be obtained by the local political subdivision.

Sec. 9. The State Fire Marshal shall adopt and promulgate rules and regulations for the administration of this act, including the placement of smoke detectors in dwellings, apartment houses, hotels, lodging houses, dormitories, and mobile homes. The rules and regulations shall take into account designs of the guest rooms, dwelling units, dormitories, and mobile homes. The State Fire Marshal may consider the requirements for smoke detectors developed by any national testing laboratory in adopting such rules and regulations. The State Fire Marshal shall administer the provisions of this act and shall delegate such responsibility to his or her authorized representative or the appropriate official charged with the duty of providing fire protection services within the local jurisdiction. The State Fire Marshal or his or her representative or the appropriate official may investigate any alleged violation of this act and shall report such investigative findings to the county attorney who shall proceed to enforce the provisions of this act.

Sec. 10. (1) Every dwelling unit within a dwelling or apartment house constructed or remodeled on or after January 1, 1982, every guest room in a lodging house or hotel constructed or remodeled on or after January 1, 1982, and every dormitory constructed or remodeled on or after January 1, 1982, shall be provided with one or more operating smoke detectors meeting the requirements of the State Fire Marshal's rules and regulations.

(2) Except for (a) mobile homes, (b) manufactured housing units constructed prior to January 11, 1977, and (c) single family houses or duplexes constructed prior to January 1, 1982, every dwelling unit within a dwelling or apartment house constructed prior to January 1, 1982, every guest room in a lodging house or hotel constructed or remodeled prior to January 1, 1982, and every dormitory constructed prior to January 1, 1982, shall be provided with one or more operating smoke detectors meeting the requirements of the State Fire Marshal's rules and regulations on or before January 1, 1984.

(3) After January 1, 1982, every (a) mobile home, (b) manufactured housing unit constructed prior to January 11, 1977, and (c) single family house or duplex constructed prior to January 1, 1982, shall be provided with one or more operating smoke detectors meeting the requirements of the State Fire Marshal's rules and

regulations within thirty days after they are remodeled.

Sec. 11. The detector shall be mounted in accordance with the rules and regulations regarding the number and location of smoke detectors adopted by the State Fire Marshal. When activated, the detector shall provide an alarm in the dwelling unit, guest room, dormitory, or mobile home.

Sec. 12. (1) Except as provided in subsection (2) of this section, the owner of every apartment house, dwelling, hotel, lodging house, dormitory, or mobile home or the owner's authorized agent shall be responsible for supplying, installing, maintaining, and testing the smoke detectors.

(2) In the case of a dwelling unit, guest room, hotel room, or mobile home which is being occupied for more than a month by the same occupant, it shall be the responsibility of such occupant to perform the tests on the smoke detector as are recommended by the manufacturer's instructions and immediately notify, in writing, the owner or authorized agent of any deficiencies. The owner of the dwelling, apartment house, lodging house, hotel, or mobile home shall provide a notice to such occupant containing instructions for the testing of the device. For purposes of this subsection, deficiencies shall not include a worn battery or other replaceable energy unit. The occupant shall be responsible for replacement of the battery or unit, except that such battery or unit shall be in operating condition at the time the occupant takes possession. The owner or authorized agent shall correct any reported deficiencies in the smoke detector and shall not be in violation of this act for a deficient smoke detector when he or she has not received notice of the deficiency.

Sec. 13. This act shall prohibit a political subdivision from adopting standards less stringent than those provided in this act and rules and regulations adopted under this act, except that, as to buildings constructed on or after January 1, 1982, such political subdivision shall require that smoke detectors be attached to a centralized electrical power source within the building equipped with a battery as an alternate power source. No political subdivision shall require that a smoke detector be attached to a centralized power source within a building constructed prior to January 1, 1982.

Sec. 14. Any person violating the provisions of this act shall be guilty of a Class V misdemeanor.".

STANDING COMMITTEE REPORT
Agricultural and Environment

LEGISLATIVE BILL 529. Placed on General File as amended. (Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2245.)

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Cullan asked unanimous consent to print the following amendment to LB 296 in the Journal. No objections. So ordered.

(Amendments to REQ 2225)

1. On page 1, line 2, after "sections" insert "and all amendments thereto".

UNANIMOUS CONSENT - Members Excused

Messrs. Carsten and Goll asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 134. Title read. Considered.

Messrs. V. Johnson and Schmit asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Advanced to E & R for Review with 28 ayes, 4 nays, 8 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Rumery asked unanimous consent to print the following amendment to LB 146 in the Journal. No objections. So ordered.

Req. #2288

1. Insert the following new sections:

"Section 1. That section 46-144, Revised Statutes Supplement, 1980, be amended to read as follows:

46-144. The board of directors may at any time, when in its judgment it may be advisable, call a special election and submit to the qualified electors of the district the question whether or not a special assessment shall be levied for the purpose of raising money to be applied for any of the purposes provided for in sections 46-101 to 46-1,111, including the purpose of creating a construction fund to be financed by the issuance of warrants, the principal of which warrants shall be payable, in not to exceed twenty years, with interest paid annually thereon not to exceed ~~seven~~ ten per cent per annum. Such warrants may not be issued in the aggregate to exceed ninety per cent of the fund anticipated to be raised over the years by special assessment authorized in this section. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of said sections. The notice of such election must specify the aggregate amount of money proposed to be raised, the purpose for which it is intended to be raised, the number of years in which such special assessment will be made, and whether or not warrants as authorized in this section will be to finance the construction fund so that contracts may be let and the project completed before collection of the tax. The ballots shall contain the words Assessment . . . . Yes, or Assessment . . . . No. If a majority of the votes are Assessment . . . . Yes, the board shall at the time of the annual levy thereunder, levy an assessment sufficient to raise the amount paid. The rate of assessment shall be ascertained by deducting fifteen per cent for anticipated delinquencies from the aggregate actual value of the property in the district as it appears on the assessment roll for the current year, and then dividing the sum by the remainder of such aggregate actual value. The assessment so levied and computed shall be entered on the assessment roll and upon the tax list by the county clerk and collected at the same time and in the same manner as other assessment, and all revenue laws of this state for the collection and sale of land for taxes are hereby made applicable to the assessment herein provided for; and when collected such assessment shall be paid over by the county treasurer to the district treasurer for the purpose specified in the notice in such special election.

Sec. 2. That section 46-146, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-146. No claim shall be paid by the district treasurer until the same shall have been allowed by the board of directors, and only upon warrants signed by the president, and countersigned by the secretary, and if the district treasurer has not sufficient money on hand to pay such warrant when presented for payment, he or she shall endorse thereon not paid for want of funds, and the date when so presented, over his or her signature, and from the time of such presentation until paid such warrants shall draw interest payable when redeemed, or annually at the discretion of the board of directors. Whenever there is no cash on hand in the district treasury for the payment of general fund warrants when presented, the board of directors may, in its discretion, issue from time to time general fund warrants in denominations not greater than ~~one~~ ten thousand dollars to the aggregate amount required, but in no case in an amount greater than ninety per cent of the general fund levy for the current year, such warrants to be drawn on the general fund levy for the current year and payable to the irrigation district, and sell or discount the same to best advantage possible, but not at a discount to exceed ~~five~~ ten per cent, and deposit the proceeds of such sale in some local bank in the name of the district, subject to the check of the ~~chairman~~ chairperson of such district, countersigned by the secretary, in payment of any claim or claims ordered paid out of such fund by the board of directors.

Sec. 10. Sections 1, 2, 10, and 11, of this act shall become operative on their effective date. The remaining sections shall become operative three calendar months after the adjournment of this session.

Sec. 11. That original section 46-146, Reissue Revised Statutes of Nebraska, 1943, and section 46-144, Revised Statutes Supplement, 1980, are repealed.

Sec. 13. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber original sections 1 to 7 and 8 as sections 3 to 9 and 12 respectively.

VISITORS

Visitors to the Chamber were 20 students and teacher from Oxford; 8 students and teacher from Valentine; 46 students and teachers from Lincoln Elementary School, Hastings; Mr. and Mrs. Don Macke, Sr.; Don Macke, Jr.; 8 students and teacher from Wilcox; students from Kearney State College; and 13 students and teacher from Pender.

ADJOURNMENT

At 3:51 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:30 a.m., Monday, April 13, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SECOND DAY - APRIL 13, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

SIXTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 13, 1981

Pursuant to adjournment, the Legislature met at 9:35 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Cullan, and Kremer who were excused; and Mrs. Higgins, Miss Kilgarin, Messrs. Newell, R. Peterson, Schmit, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1419, line 5, insert Standing before Amendment.
The Journal for the Sixty-First Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

April 10, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Reengrossed Legislative Bill 72 was received in my office on April 9, 1981.

This bill was signed by me on April 9, 1981 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

April 10, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bill 355 was received in my office this week.

This bill was signed by me on April 10, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

RESOLUTION

LEGISLATIVE RESOLUTION 56.

Introduced by Koch, 12th District; Wesely, 26th District; Marsh, 29th District; Wiitala, 31st District; Beutler, 28th District; Fowler, 27th District.

WHEREAS, in 1979 the Legislature directed the Tax Commissioner to develop standardized appraisal manuals "to assure the determination of actual value on a consistent basis...and the equalization of values" of lands and improvements; and

WHEREAS, the following year the Legislature mandated that such manuals be used to value all taxable real property in the state as of January 1, 1981, with assessments to be completed by April 1, 1981; and

WHEREAS, although this deadline has passed, it has been reported that revaluations have not been completed in perhaps one half of the state's counties; and

WHEREAS, the failure of those counties to complete their revaluations as required by the Legislature will lead to continued inequity in the imposition of property taxes; and

WHEREAS, the timetable established by the Legislature for the equalization of property assessments was reasonable and not an impossible goal, as witnessed by the fact that Lancaster County Assessor Carol Broman and her staff completed the revaluation for their populous county on schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Legislature recognizes Lancaster County Assessor Carol Broman and her staff for the responsible exercise of their duties in carrying out the provisions of state law for the systematic revaluation of property.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 329 and 333.

RESOLUTIONS

LEGISLATIVE RESOLUTION 52. Read. Considered.

LR 52 was adopted with 34 ayes, 0 nays, and 15 not voting.

LEGISLATIVE RESOLUTION 53. Read. Considered.

LR 53 was adopted with 34 ayes, 0 nays, and 15 not voting.

LEGISLATIVE RESOLUTION 54. Read. Considered.

LR 54 was adopted with 36 ayes, 0 nays, and 13 not voting.

LEGISLATIVE RESOLUTION 55. Read. Considered.

Mr. Wagner asked unanimous consent to have his name added to LR 55. No objections. So ordered.

LR 55 was adopted with 35 ayes, 0 nays, and 14 not voting.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LB 329 and LB 333.

(Signed) Rex Haberman

RESOLUTION

LEGISLATIVE RESOLUTION 57.

Introduced by Pirsch, 10th District.

WHEREAS, crime continues to be a critical social problem in the United States, and President Reagan and three of those near him have become victims of crime; and

WHEREAS, at least one in three Americans becomes a victim of crime each year, and at least one in four Nebraskans becomes a victim of crime each year; and

WHEREAS, crime victims and witnesses have been overlooked for too long by our system of justice in its efforts to apprehend, prosecute, and fairly sanction criminal offenders; and

WHEREAS, it is being realized that without the cooperation of victims and witnesses the criminal justice system cannot function properly; and

WHEREAS, the serious nature of crime is most clearly demonstrated in its devastating impact on the victim; and

WHEREAS, the fair administration of justice mandates that the citizens of the United States, and most particularly its public servants, recognize and honor the rights of victims, witnesses, and their dependents or survivors.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature acknowledge the plight of crime victims, and wish to encourage public awareness of the needs of victims of crime.
2. That the Legislature hereby declares the week of April 20 to 26, 1981, to be Victims Rights Week in Nebraska.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 478 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. Strike original sections 1, 10, and 12.

2. On page 2, line 12, after "77-3508," insert "or"; and in lines 12 and 13 strike ", or 77-3527".

3. On page 7, line 9, after "77-3508," insert "and", and strike ", and 77-3527".

4. On page 8, line 18, strike "sections", show as stricken, and insert "section", and strike "to 77-3509" and show as stricken; and in line 19 strike "and 77-3527".

5. On page 10, line 17, after "77-3508," insert "and", and strike ", and 77-3527".

6. On page 12, line 5, strike the new matter and reinstate the stricken matter; and in line 15 after "77-3508," insert "or", and strike ", or 77-3527".

7. On page 14, line 25, strike "77-3501,"; and in line 27 strike "77-3521," and insert "and", and strike "and 77-3527,".

8. Renumber original sections 2 to 9, 11, 13, and 14 as sections 1 to 8, 9, 10, and 11, respectively.

MOTION - Return LB 58 to Select File

Mr. Sieck moved to return LB 58 to Select File for the following specific amendment:

1. In the title of the Final Reading copy, strike lines 2 to 4 and insert:
"FOR AN ACT relating to virgin prairie; to authorize any
state agency or political subdivision to sell
such property as prescribed.".

The motion prevailed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 58. The Sieck specific amendment found in this day's Journal was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 58 to Select File

Mr. Beutler moved to return LB 58 to Select File for the following specific amendment:

(Final Reading Copy)

1. On page 3, line 6, after the period insert "In the event such covenant to preserve and protect the area as virgin prairie should lapse or be declared invalid or unconstitutional by any court of competent jurisdiction, the agency or political subdivision which sold the land or its successor in interest shall be afforded first option to repurchase the land, at the current market value to be determined as if the covenant were valid and enforceable.".

2. Insert the following new section:

"Sec. 3. No sale authorized under this act shall take place after July 1, 1983.".

The motion prevailed with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 58. The Beutler specific amendment found in this day's Journal was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 200.

A BILL FOR AN ACT to amend sections 39-1638, 39-1639, and 39-1642, Reissue Revised Statutes of Nebraska, 1943, relating to rural road improvement districts; to redefine terms; to remove a restriction; to change provisions relating to resolutions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Johnson, V.

Excused and not voting, 6:

Clark
Cullan
Kilgarin
Kremer
Newell
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 280.

A BILL FOR AN ACT relating to abandoned or unclaimed property; to provide for the sale or disposal of certain unclaimed property as prescribed.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 41:

Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Burrows	Johnson, V.

Excused and not voting, 6:

Clark	Kilgarin	Newell
Cullan	Kremer	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 283 to Select File

Mr. Vickers moved to return LB 283 to Select File for the following specific amendment.
p. 8, line 1 - strike the language "per cent of the"
p. 8, line 2 - strike "stockholders" and insert in its place "members".

The motion prevailed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 283. The Vickers specific amendment found in this day's Journal was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 330.

A BILL FOR AN ACT to amend sections 44-401, 44-409, and 44-414, Reissue Revised Statutes of Nebraska, 1943, relating to insurance reserves; to change provisions relating to such reserves; to change provisions relating to assets and liabilities; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 5:

Clark
Cullan
Kilgarin
Kremer
Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 371.

A BILL FOR AN ACT to amend section 79-4,154, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to remove area vocational technical colleges and junior colleges from the operation of such section; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 1:

Beutler

Present and not voting, 1:

Wagner

Excused and not voting, 4:

Clark
Cullan
Kremer
Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 407.

A BILL FOR AN ACT to amend section 82-118, Revised Statutes Supplement, 1980, relating to historical societies; to allow the Nebraska State Historical Society to comply with the terms and conditions of an Act of Congress, as amended.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

DeCamp

Excused and not voting, 4:

Clark
Cullan
Kremer
Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 437.

A BILL FOR AN ACT relating to railroads; to provide procedures for the adoption of speed limitation ordinances which affect interstate railroads; and to provide restrictions in cases of railroad accidents or violations of law.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 44:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 4:

Clark
Cullan
Kremer
Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 491 to Select File

Mr. Beutler moved to return LB 491 to Select File for the following specific amendment:

1. On page 2, line 14, after "securities" insert "pursuant to 16-715 and"

The motion prevailed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 491. The Beutler specific amendment found in this day's Journal was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 11. Title read. Considered.

Standing Committee amendments, Req. #2167, printed separate from the Journal and referred to on page 966 for the Forty-Fifth Day were considered.

Mr. Schmit offered the following amendment to the Standing Committee amendments:

1. On page 3, line 9 strike the underscored comma and insert "and", and strike beginning with the underscored comma in line 10 through "Association" in line 12.
2. On page 18, line 13 strike the second comma and insert "and"; line 16 after "Nebraska" insert an underscored period and strike beginning with the comma in line 16 through the period in line 18 and show the old matter as stricken.

The Schmit amendment to the Standing Committee amendments was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Schmit renewed his pending amendment to the Standing Committee amendments found in the Journal on page 1269.

The Schmit amendment to the Standing Committee amendments was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Maresh offered the following amendment to the Standing Committee amendments:

Amend LB 11 in the committee amendments on page 1 line 6 after section 1 insert "There is hereby established a new department to be known as The Department of Grain Sorghum Resources." and,

and on page 24 line 1 after 2-2309 insert, "There is hereby established a new department to be known as The Department of Wheat Resources and,"

and on page 31 line 10 after 2-3611 insert "There is hereby established a new department to be known as The Department of Corn Resources and,"

Mr. Schmit moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Maresh amendment to the Standing Committee amendments was adopted with 19 ayes, 12 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Maresh offered the following amendment to the Standing Committee amendments:

Amend LB 11 (white copy)

on page 8, line 19 strike lines 19 through 24.

Page 7, line 23 after "experience" insert "The salary of the director shall not exceed two thirds of the governor's salary."

Page 22, line 18 after "experience" insert "The salary of the director shall not exceed two thirds of the Governor's salary."

Page 23 strike lines 14 through 19.

Page 32, line 18 after "experience" insert but shall not exceed two thirds of the Governor's salary.

Page 33 strike lines 14 through 19.

The Maresh amendment to the Standing Committee amendment was adopted with 20 ayes, 10 nays, 14 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

SPEAKER MARVEL PRESIDING

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Schmit requested a roll call vote on the Standing Committee amendments, as amended.

Voting in the affirmative, 13:

Chronister
DeCamp
Fenger
Haberman
Higgins
Kahle
Labedz
Landis
Pirsch
Schmit
Vickers
Wagner
Wiitala

Voting in the negative, 20:

Barrett
Beyer
Burrows
Carsten
Cope
Dworak
Fowler
Johnson, V.
Kilgarin
Lamb
Maresh
Nichol
Peterson, R.
Remmers
Rumery
Sieck
Stoney
Von Minden
Warner
Wesely

Present and not voting, 10:

Chambers
Fitzgerald
Goll
Goodrich
Hefner
Johnson, L.
Koch
Marsh
Marvel
Peterson, H.

Excused and not voting, 5:

Beutler
Clark
Cullan
Kremer
Newell

Absent and not voting, 1:

Hoagland

The Standing Committee amendments, as amended, lost with 13 ayes, 20 nays, 10 present and not voting, 5 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. DeCamp offered the following amendment:
Strike Section 15

The amendment was adopted with 25 ayes, 12 nays, 7 present and not voting, and 5 excused and not voting.

Mr. Maresh offered the following amendment:

Green Copy

Amend LB 11 on page 11 line 21 strike bushel and insert "Hundred Weight" and page 10 line 10 strike "one" and insert "two"

The amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 3 nays, 14 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to have his name added to LB 512. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 58.

Introduced by Marsh, 29th District.

WHEREAS, superior scholastic achievements of students at the University of Nebraska-Lincoln should be recognized and applauded; and

WHEREAS, the University of Nebraska-Lincoln gives public recognition to many of its finest students at an Honors Convocation; and

WHEREAS, many of these students have many demands on their time other than studying such as keeping jobs; and

WHEREAS, some of these students are employed by the Nebraska Legislature as pages and work twenty hours a week.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Legislative pages who were honored at the Honors Convocation—Jeffrey Horn of Broken Bow, who was also recognized for superior scholarship, Ellen Harrison of Omaha, Carol Pribyl of Milligan, and Joan Breunig of Wahoo.
2. That the Legislature also congratulates Gwen Knobel of Fairbury a new member of the Innocents Society and Mortar Board.
3. That a copy of this resolution be presented to these pages.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 296A. By Cope, 36th District.
This bill introduced on behalf of: LB 296.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 296, Eighty-seventh Legislature, First Session, 1981.

MOTION - Print in Journal

Mr. Fowler moved pursuant to Rule 7, Sec. 7(a), that the Legislature reconsider its action on the motion to advance LB 243.

Laid over.

VISITORS

Visitors to the Chamber were 18 kindergarten students, teachers, and adults from Huntington Grade School, Lincoln; Mr. Rodolfo Cerdas, member of the National Legislative Assembly, Costa Rica, Professor of Political Science from the University of Costa Rica, escort-interpretor Paul Leach and Nancy Regier, of Lincoln Mayors Committee International Friendship.

RECESS

At 11:59 a.m., on a motion by Mr. Kahle, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:38 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Cullan, and Kremer who were excused; and Messrs. Barrett, Beutler, Haberman, Newell, Warner, Mesdames Marsh, and Pirsch who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Maresh asked unanimous consent to print the following amendment to LB 11 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2296.)

UNANIMOUS CONSENT - Member Excused

Mr. Hoagland asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 346. Title read. Considered.

Standing Committee amendments found in the Journal on page 974 for the Forty-Fifth Day were considered.

The Standing Committee amendments were adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment found in the Journal on page 1345. No objections. So ordered.

Mr. V. Johnson offered the following amendment:

1. On page 25, line 15, after "possible" insert ", but in all cases, within a six-month period"; in line 17 strike "a reasonable" and insert "such"; after the underscored period in line 24 insert "The computation of the six-month period provided for in this section shall be made as provided in section 29-1207, as applicable."; and in line 27 after "possible" insert ", but in all cases, within a six-month period".

2. On page 26, line 2, after "practicable" insert ", but in all cases, within a six-month period"; and after the underscored period in line 2 insert "The computation of the six-month period provided for in this section shall be made as provided in section 29-1207, as applicable.".

The amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 184. Placed on General File as amended.

(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2276.)

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 346 in the Journal. No objections. So ordered.

1. On page 40, line 11, after the semicolon insert “or”; strike lines 12 through 16; in line 17 strike “(6)” and insert “(5)”; and strike beginning with “under” in line 23 through the first comma in line 26 and insert “the court may”.

Mr. Nichol asked unanimous consent to print the following amendment to LB 346 in the Journal. No objections. So ordered.

1. On page 50, strike lines 23 through 27 and insert the following new subsection:

“(3) As used in this subsection, confidential record information shall mean all docket records, other than the pleadings, orders, decrees and judgments, case files and records, reports and records of probation officers, and information supplied to the court of jurisdiction in such cases by any individual or any public or private institution, agency, facility, or clinic, which is compiled by, produced by, and in the possession of any court. In all cases under subdivision (3) (a) of section 3 of this act, access to all confidential record information in such cases shall be granted only as follows: (a) The court of jurisdiction may, subject to applicable federal and state regulations, disseminate such confidential record information to any individual, or public or private agency, institution, facility, or clinic which is providing services directly to the juvenile and such juvenile's parents or guardian and his or her immediate family who are the subject of such record information; (b) the court of jurisdiction may disseminate such confidential record information, with the consent of persons who are subjects of such information, or by order of such court after showing of good cause, to any law enforcement agency upon such agency's specific request for such agency's exclusive use in the investigation of any protective service case or investigation of allegations under subdivision (3) (a) of section 3 of this act, regarding the juvenile or such juvenile's immediate family, who are the subject of such investigation; and (c) the court of jurisdiction may disseminate such confidential record information to any court, which has jurisdiction of the juvenile who is the subject of such information upon such court's request.”.

2. On page 51, strike lines 1 through 24; in line 25 strike “subdivision” and insert “subsection”; and in line 26 after “of” insert “confidential”.

3. Strike committee amendments 23 and 24.

4. On page 52, line 2, after “such” insert “confidential”.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

The Committee on Miscellaneous Subjects recommends the following appointments be confirmed by the Legislature, and suggests a record vote.

Senator Beyer moved to recommend the appointments to the Nebraska Arts Council be confirmed, seconded by Senator Fitzgerald. Voting yes: Senators Barrett, Beyer, Fitzgerald, Hefner and Von Minden. Voting no: none. Absent and not voting: Senators Cullan, Fenger, and Newell.

Phyllis Acklie - Nebraska Arts Council
Irving Dana - Nebraska Arts Council

Senator Fitzgerald moved to recommend the appointments to the State Electrical Board be confirmed, seconded by Senator Barrett. Voting yes: Senators Barrett, Beyer, Fitzgerald, Hefner and Von Minden. Voting no: None. Absent and not voting: Senators Cullan, Fenger and Newell.

Paul Mead - State Electrical Board
Dennis Schroeder - State Electrical Board
Dennis Vanosdall - State Electrical Board

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 334. Title read. Considered.

Standing Committee amendment found in the Journal on page 987 for the Forty-Sixth Day was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 334A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 248. Title read. Considered.

Standing Committee amendments, Req. #2274, found in the Journal on page 1314 for the Fifty-Seventh Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 463. Title read. Considered.

Standing Committee amendments found in the Journal on page 1009 for the Forty-Seventh Day were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

MR. NICHOL PRESIDING

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 381. Title read. Considered.

Standing Committee amendments, Req. #2186, found in the Journal on page 1009 for the Forty-Seventh Day were adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendments to LB 346 in the Journal. No objections. So ordered.

1. On page 30, line 27, after "court" insert "for a period of time exceeding forty-eight hours".

1. On page 30, strike beginning with "The" in line 7 through the period in line 12.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 11A. By Maresh, 32nd District.
This bill introduced on behalf of: LB 11.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 11, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

SPEAKER MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 3. Title read. Considered.

Standing Committee amendment found in the Journal on page 1018 for the Forty-Seventh Day was considered.

Messrs. Goodrich and Landis renewed their pending amendment found in the Journal on page 1342 to the Standing Committee amendment.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

MR. NICHOL PRESIDING

Mr. Goodrich moved for a Call of the House. The motion prevailed with 10 ayes, 6 nays, and 33 not voting.

Mr. Goodrich requested a roll call vote.

Voting in the affirmative, 17:

Beyer
Chronister
Cope
DeCamp
Dworak
Goodrich
Higgins
Johnson, L.
Labedz
Landis
Maresh
Peterson, H.
Peterson, R.
Rumery
Schmit
Wagner
Wesely

Voting in the negative, 24:

Burrows
Carsten
Fenger
Fowler
Goll
Hefner
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Lamb
Marsh
Marvel
Newell
Nichol
Pirsch
Remmers
Sieck
Stoney
Vickers
Von Minden
Warner
Wiitala

Present and not voting, 3:

Barrett
Chambers
Fitzgerald

Excused and not voting, 5:

Beutler
Clark
Cullan
Haberman
Kremer

The Goodrich-Landis amendment lost with 17 ayes, 24 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Newell asked unanimous consent to withdraw his pending amendment found in the Journal on page 1412. No objections. So ordered.

SPEAKER MARVEL PRESIDING

The Standing Committee amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Mr. Newell offered the following amendment:
Add a sunset provision to be effective July 1, 1985.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Newell asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Advanced to E & R for Review with 30 ayes, 7 nays, 7 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 483.

Correctly Engrossed

The following bills were correctly engrossed: 132, 253, 253A, 284, and 284A.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 132

The following changes required to be reported for publication in the Journal have been made:

To harmonize with committee amendments (1) on page 7, line 10, "ordinances" has been substituted for "resolutions"; and (2) and in S.C. page 3, line 20, and page 4, line 27, "or corporation" has been inserted after "district".

Enrollment and Review Changes to LB 253

The following changes, required to be reported for publication in the Journal, have been made:

The new section added by the DeCamp amendments adopted 4/10 has been inserted as section 25, and original sections 28 and 29 renumbered as sections 26 and 27; and in the title, line 14, "to provide severability;" has been inserted after the semicolon.

Enrollment and Review Changes to LB 284

(Unless otherwise stated, references are to the DeCamp amendment.)

The following changes, required to be reported for publication in the Journal have been made;

1. On page 1, line 12, "years" has been changed to "year" and the commas have been stricken;
2. To harmonize with the Lamb amendment and with line 25 of the same page, on page 2, line 1, "each" has been inserted after "and" and the third comma has been stricken and "thereafter" inserted; and in line 2, "1982" has been stricken;

3. On page 5, original sections 8 to 10 have been renumbered as sections 7 to 9; and in lines 11 and 12, "sections 1 and 2," has been stricken as surplusage; and

4. In the title as amended, lines 2 to 17 have been stricken and the following inserted:
"FOR AN ACT relating to state aid to political subdivisions; to create a fund and specify the source and distribution thereof; to provide for replacement of local revenue; to provide duties; to amend Laws 1980, LB 1002, section 5; to provide severability; to repeal the original section, and also sections 77-3601 to 77-3604, Revised Statutes Supplement, 1980, and Laws 1980, LB 882A; and to declare an emergency.".

Enrollment and Review Changes to LB 483

The following changes, required to be reported for publication in the Journal, have been made:

In the title of the Final Reading bill, line 9, "and" has been stricken and in line 10"; and to declare an emergency" has been inserted after "sections".

(Signed) Emory P. Burnett
E & R Attorney

MESSAGE FROM THE GOVERNOR

April 13, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 59 and 167 and Reengrossed Legislative Bills 17 and 205 were received in my office last week.

These bills were signed by me on April 10, 1981 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

UNANIMOUS CONSENT - Print in Journal

Mr. Wagner asked unanimous consent to print the following amendment to LB 11 in the Journal. No objections. So ordered.

On Page 6, lines 18 and 19, after "expenses" add ", as provided for in sections 84-306.01 to 84-306.05 for state employees,".

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 13, 1981, at 3:50 p.m., were the following bills: 329 and 333.

(Signed) Hazel Kaltenberger, Enrolling Clerk

UNANIMOUS CONSENT - Member Excused

Mr. Nichol asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 366. Title read. Considered.

Standing Committee amendments, Req. #2170, found in the Journal on page 1019 for the Forty-Seventh Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Landis renewed his pending amendment found in the Journal on page 1335.

The amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 4 nays, 14 present and not voting, and 5 excused and not voting.

VISITORS

Visitors to the Chamber were Senator Wagner's mother, Mrs. Elizabeth Wagner from McCook; and Senator Wagner's brother and sister-in-law, Mr. and Mrs. Dale Wagner from Denver, Colorado.

ADJOURNMENT

At 4:44 p.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Tuesday, April 14, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-THIRD DAY - APRIL 14, 1981

LEGISLATIVE JOURNAL

SIXTY-THIRD DAY - APRIL 14, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE FIRST SESSION

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 14, 1981

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Carl Godwin, Pastor of the Bible Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Cullan, and Kremer who were excused; and Mrs. Marsh, Messrs. Haberman, V. Johnson, Schmit, Warner, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Second Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 134. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 73
April 10, 1981

Dear Senator Vickers:

This is in response to your letter of April 7, 1981, in which you request our opinion as to whether the language of Neb.Rev.Stat.

§70-624.02 (Supp. 1980), referring to expense reimbursement of members of public power district boards of directors, includes the expenses of their spouses. In addition you ask whether the language in LB 181, which would amend this section to specifically prohibit payment of expenses incurred by members' spouses is "necessary" or proper.

Neb.Rev.Stat. §70-624.02 (Supp. 1980) provides simply that: "The members of the board of directors shall be paid their actual expenses, while engaged in the business of the district under the authority of the board of directors, and, for their services, such compensation as shall be fixed by the board of directors." LB 181 would amend this section by adding the language: "Actual expenses shall not include traveling or other expenses incurred by the spouse of a member of the board of directors. Such expenses incurred by the spouse which are paid by the board shall be considered compensation paid to the member for purposes of this section."

The statute provides that the expenses of the members of the board of directors shall be reimbursed. The spouses of these individuals are certainly not members of the board of directors. There is no specific legislative indication in the statute that the expenses of the spouses are to be reimbursed as well. Such an interpretation certainly seems to be beyond any commonly accepted practice for reimbursement of governmental and public employee expenses. With no express authority for payment of the expenses of members' spouses, this certainly would not be an appropriate interpretation of the existing language.

According to our interpretation of the existing language of the statute, the amendment contained in LB 181 does not appear to be entirely necessary. This does not mean, however, that it is improper or in any way contrary to the existing statutory language. It merely seems to be an express clarification of legislative intention in regard to the expenses of spouses of the members of the board of directors, which would remove any doubt that anyone might have as to the proper interpretation of the existing statutory provisions.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Sieck asked unanimous consent to print the following amendment to LB 298 in the Journal. No objections. So ordered.

Req. #2312

1. Insert the following new section:

"Sec. 3. That section 84-155, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-155. The zoning board of adjustment of a county that has adopted a comprehensive development plan, as defined by section 23-114.02, and is enforcing zoning regulations based upon such a plan, shall, ~~effective January 1, 1976~~ upon request of the governing body of a village or second-class city, serve as the zoning board of adjustment for ~~all villages and cities~~ such village or city of the second class in that county. ~~Existing zoning boards of adjustment for such municipalities shall be dissolved on January 1, 1976.~~ A city of the first class may request that the county zoning board of adjustment of the county in which it is located serve as that city's zoning board of adjustment, and such county government shall comply with that request within ninety days. A municipality located in more than one county shall be served by request or otherwise only by the county zoning board of adjustment of the county in which the greatest area of the municipality is located, and the jurisdiction of such county zoning board of adjustment shall include all portions of the municipality and its area of extraterritorial control, regardless of county lines. In a county where there is a city of the primary class, the board of zoning appeals, created under section 23-174.01, may serve in the same capacity for all cities of the second class and villages in place of a zoning board of adjustment.".

2. On page 6, line 24, strike "and" and after the first comma insert "and 84-155,".

3. Renumber remaining sections accordingly.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolutions: LB's 200, 280, 330, 371, 407, 437, and LR 52, LR 53, LR 54, and LR 55.

RESOLUTIONS

LEGISLATIVE RESOLUTION 12. Read. Considered.

Mr. Wesely moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Wesely requested a roll call vote on the adoption of LR 12.

Voting in the affirmative, 19:

Burrows
Chronister
DeCamp
Fitzgerald
Fowler
Goodrich
Higgins
Hoagland
Kilgarin
Koch
Labedz
Landis
Maresh
Peterson, H.
Remmers
Rumery
Sieck
Stoney
Wesely

Voting in the negative, 21:

Barrett
Beutler
Beyer
Carsten
Chambers
Cope
Dworak
Fenger
Goll
Hefner
Johnson, L.
Johnson, V.
Kahle
Lamb
Marvel
Newell
Nichol
Pirsch
Vickers
Von Minden
Wagner

Present and not voting, 1:

Peterson, R.

Excused and not voting, 8:

Clark
Cullan
Haberman
Kremer
Marsh
Schmit
Warner
Wiitala

LR 12 lost with 19 ayes, 21 nays, 1 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE RESOLUTION 21. Read. Considered.

Committee amendment found in the Journal on page 962 for the Forty-Fifth Day lost with 24 ayes, 4 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

LR 21 was adopted with 28 ayes, 9 nays, 6 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT

Mr. Hefner asked unanimous consent to print the following in the Journal. No objections. So ordered.

The Miscellaneous Subjects Committee will receive information and recommendations on maps, population data and other information regarding Reapportionment/Redistricting until Friday, April 24, 1981, 5:00 p.m.

Beyond that date the Committee will proceed in its duties to adopt Reapportionment/Redistricting proposals.

MOTION - Return LB 113 to Select File

Mr. DeCamp moved to return LB 113 to Select File for his pending specific amendment found in the Journal on page 1388.

The motion prevailed with 30 ayes, 1 nay, 12 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 113. The DeCamp specific amendment found in the Journal on page 1388 was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 331 to Select File

Mr. Schmit moved to return LB 331 to Select File for his pending specific amendment found in the Journal on page 1333.

The motion prevailed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 331. The Schmit specific amendment found in the Journal on page 1333 was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 331 to Select File

Mr. Beutler moved to return LB 331 to Select File for the following specific amendment:
By adding a new section as follows:
1. The provisions of this act shall terminate on June 30, 1985.

The motion lost with 8 ayes, 23 nays, 14 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 379.

A BILL FOR AN ACT to adopt the Practice of Nursing in Expanded Roles Act; to amend sections 71-1,132.05, 71-1,132.11, and 71-1,132.49, Revised Statutes Supplement, 1980; to provide for nurse practitioners in expanded roles in nursing; to establish fees; to provide for certified registered nurse anesthetists; to define terms; to provide requirements and procedure for certification; to provide for certification revocation; to provide a penalty; and to repeal the original sections, and also section 71-1,132.51, Revised Statutes Supplement, 1980.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden

Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 5:

Clark
Cullan
Goll
Kremer
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 392. With Emergency.

A BILL FOR AN ACT to amend section 19-3317, Reissue Revised Statutes of Nebraska, 1943, relating to the Off-Street Parking District Act; to change provisions relating to interest on bonds as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 43:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Clark	Cullan	Goll	Kremer	Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 478 to Select File

Mr. Landis moved to return LB 478 to Select File for his pending specific amendment found in the Journal on page 1427.

The motion prevailed with 26 ayes, 8 nays, 10 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 478. The Landis specific amendment found in the Journal on page 1427 was adopted with 28 ayes, 6 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 478 to Select File

Messrs. DeCamp, Wagner, and Fitzgerald moved to return LB 478 to Select File for the following specific amendment:

Striking the Landis-H. Peterson amendment req. #2275 passed on April 7, 1981.

SPEAKER MARVEL PRESIDING

Messrs. Rumery and V. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The DeCamp-Wagner-Fitzgerald motion to return LB 478 to Select File prevailed with 27 ayes, 8 nays, 7 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 478. The DeCamp-Wagner-Fitzgerald specific amendment found in this day's Journal was adopted with 25 ayes, 6 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Landis requested a machine vote to advance the bill.

Advanced to E & R for Re-Engrossment with 29 ayes, 5 nays, 8 present and not voting, and 7 excused and not voting.

MOTION - Return LB 478 to Select File

Mr. Wesely moved to return LB 478 to Select File for the following specific amendment:

Insert on page 3, line 9, after "arms" "or who have progressive osteoarthritis".

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Wesely asked unanimous consent to withdraw his motion to return to Select File. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 479. With Emergency.

A BILL FOR AN ACT to amend section 77-1330, Revised Statutes Supplement, 1980, relating to taxation; to provide procedures for implementing guides issued by the Tax Commissioner; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Chambers Goll

Excused and not voting, 5:

Clark Cullan Johnson, V. Kremer Rumery

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 160. Placed on General File.

LEGISLATIVE BILL 161. Placed on General File as amended. Standing Committee amendment to LB 161:

1. On page 2, line 22, strike "31,149" and insert "32,650"; and in line 23 strike "29,735" and insert "30,501".

LEGISLATIVE BILL 163. Placed on General File as amended. Standing Committee amendments to LB 163:

Req. #2305

1. On page 2, lines 14 and 15, strike the new and reinstate the stricken matter; and in line 21 strike "$298,336" and insert "~~$298,336~~ $211,104".

2. On page 4, line 8, strike "$2,127,087" and insert "$3,803,377"; and in line 10 strike "$761,655" and insert "$7,913,823".

3. On page 5, line 5, strike "$2,476,262" and insert "$2,587,040"; and in line 12, strike "$926,262" and insert "$1,037,040"; and in line 13 strike "1983" and insert "~~1982~~ 1983".

4. Strike section 5 and insert:

"Sec. 5. That Laws 1980, LB 1001, section 28, be amended to read as follows:

Sec. 28. Program 902. The Nebraska Educational Television Commission is hereby authorized to replace the Channel KPNE transmitter at North Platte and the KTNE transmitter at Alliance. There is hereby appropriated ~~$147,093~~ $154,200 from the State Building Fund and an estimate of ~~$441,280~~ $462,600 from available federal funds for the fiscal year ending June 30, 1982, to replace the ~~transmitter~~ transmitters.".

5. On page 6, in line 17, after "section 10"

insert ", as amended by Laws 1981, LB 232, section 28"; in line 19, strike "$1,416,887" and insert "$936,887"; and strike the paragraph beginning in line 22.

6. Strike the paragraph beginning on page 7, line 16 and insert:

"Upon completion of the Temple Building, any excess funds may be utilized to purchase fixed and movable equipment for the Howell Theatre.".

7. Strike the paragraph beginning on page 8, line 15.

8. Strike the paragraph beginning on page 9, line 15.

9. On page 11, at the end of line 7 insert "There is included in the appropriation for the fiscal year ending June 30, 1982, $25,000 for a structural analysis of the State Capitol Building.".

10. On page 15, line 8, strike "926,".

11. Strike the paragraph beginning on page 16, line 1; and on page 16, line 23, insert ", 902, 903, 904, 919" after "950".

12. On page 17, line 25, strike "and" and strike "section" and insert "sections 28 and".

(Signed) Jerome Warner, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 58, 283, and 491.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Change to LB 491

The following change required to be reported for publication in the Journal has been made:

In line 2 of the Beutler amendment, "section" has been inserted after "to".

(Signed) Emory P. Burnett
E & R Attorney

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 14, 1981, at 10:26 a.m., were the following bills: 200, 280, 330, 371, 407, and 437.

(Signed) Janet Loder, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendments to LB 3 in the Journal. No objections. So ordered.

(1)

Req. #2304

1. Insert a new section as follows:

"Section 1. That section 77-202.46, Revised Statutes Supplement, 1980, be amended to read as follows:

77-202.46. (1) Commencing January 1, 1981, all persons required by sections 77-1201 and 77-1229, to list personal tangible property subject to taxation shall be allowed an exemption for all earthmoving equipment used ~~primarily~~ exclusively for agricultural and soil conservation purposes. The Department of Revenue shall prepare and provide any forms necessary to claim such exemption. Such exemption shall be applied for on a yearly basis by the taxpayer.

Any person seeking an exemption under this section shall apply to the county assessor by January 1 of each year. The county assessor shall examine the application and recommend either taxable or exempt status for the equipment, to the county board of equalization by February 1. The county board of equalization shall have the authority to grant the exemption under this section.

(2) The provisions and penalties of section 77-1232, shall be applicable to this section.".

2. On page 11, line 1, strike "section" and insert "sections 77-202.46 and"; and in line 2 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 3, respectively.

(2)

1. On page 11, line 2, strike "is" and insert "and also section 77-202.46, Revised Statutes Supplement, 1980, are".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 346 in the Journal. No objections. So ordered.

1. On page 58, lines 16 and 17, strike "next year and thereafter the" and show as stricken; and in line 18 strike "annually", show as stricken, and insert "every three years".

MOTION - Introduce New Bills

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #931).

The motion prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #932).

The motion prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #933).

The motion prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #934).

The motion prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #935).

The motion prevailed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #950).

The motion prevailed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 557. By Appropriations Committee: Warner, 25th District, Chairperson; Marsh, 29th District; Dworak, 22nd District; L. Johnson, 15th District; Rumery, 42nd District; Fowler, 27th District; Cope, 36th District; Goodrich, 20th District; Stoney, 4th District.

This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1981, to June 30, 1982; to recite limitations on expenditures; to provide for lapsing; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 558. By Appropriations Committee: Warner, 25th District, Chairperson; Marsh, 29th District; Dworak, 22nd District; L. Johnson, 15th District; Rumery, 42nd District; Fowler, 27th District; Cope, 36th District; Goodrich, 20th District; Stoney, 4th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1981, to June 30, 1982; to recite limitations on expenditures; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 559. By Appropriations Committee: Warner, 25th District, Chairperson; Marsh, 29th District; Dworak, 22nd District; L. Johnson, 15th District; Rumery, 42nd District; Fowler, 27th District; Cope, 36th District; Goodrich, 20th District; Stoney, 4th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1981, to June 30, 1982; and to declare an emergency.

LEGISLATIVE BILL 560. By Appropriations Committee: Warner, 25th District, Chairperson; Marsh, 29th District; Fowler, 27th District; Rumery, 42nd District; Dworak, 22nd District; L. Johnson, 15th District; Cope, 36th District; Goodrich, 20th District; Stoney, 4th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to make appropriations for expenses of agencies of higher education for the period of July 1, 1981, to June 30, 1982; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 561. By Appropriations Committee: Warner, 25th District, Chairperson; Marsh, 29th District; Fowler, 27th District; Rumery, 42nd District; Dworak, 22nd District; L. Johnson, 15th District; Cope, 36th District; Goodrich, 20th District; Stoney, 4th District.

This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to make appropriations for state aid programs for the period of July 1, 1981, to June 30, 1982; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 562. By Appropriations Committee: Warner, 25th District, Chairperson; Marsh, 29th District; Fowler, 27th District; Rumery, 42nd District; Dworak, 22nd District; L. Johnson, 15th District; Cope, 36th District; Goodrich, 20th District; Stoney, 4th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to make appropriations for capital construction projects; to provide severability; to repeal Laws 1980, LB 1001, section 5; and to declare an emergency.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 3, Sections 4 and 12, and Rule 6, Section 1 to place LB 557, 558, 559, 560, 561, 562, on General File.

The motion prevailed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 6, Section 7(b) in order to consider LB 40 on Final Reading today.

Motion pending.

VISITORS

Visitors to the Chamber were 8 first, third, fourth, seventh, and eighth grade students and teacher from District #55, Fullerton; and 23 fifth and sixth grade students, principal, and parents from Zion Lutheran School, Kearney.

RECESS

At 11:58 a.m., on a motion by Mr. Barrett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:37 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Cullan, and Kremer who were excused; and Messrs. Haberman, Nichol, and Mrs. Pirsch who were excused until they arrive.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 129. Placed on General File.

(Signed) William E. Nichol, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Cope asked unanimous consent to print the following amendment to LB 296 in the Journal. No objections. So ordered.

(Amendments to REQ. 2225)

Req. #2303

1. On page 1, line 2, after "sections" insert "and all amendments thereto"; in line 17 after "purposes" insert a period; and strike beginning with the comma in line 17 through the period in line 20.

2. On page 2, strike line 20.

3. Insert the following new section:

"Sec. 9. Notwithstanding any other provision of this act, mobile homes constructed after September 27, 1975, and manufactured housing units constructed pursuant to sections 71-1555 to 71-1567, after January 10, 1977, shall be exempt from the requirements of this act.".

4. On page 3, line 7, strike "shall" and insert "may".

5. Strike original secton 10 and insert the following new section:

"Sec. 11. (1) Every dwelling unit within a dwelling or apartment house constructed or remodeled on or after January 1, 1982, every guest room in a lodging house or hotel constructed or remodeled on or after January 1, 1982, and every dormitory constructed or remodeled on or after January 1, 1982, shall be provided with one or more operating smoke detectors meeting the requirements of the State Fire Marshal's rules and regulations.

(2) Every guest room in a lodging house or hotel constructed prior to January 1, 1982, and every dormitory constructed prior to January 1, 1982, shall be provided with one or more operating smoke detectors meeting the requirements of the State Fire Marshal's rules and regulations on or before January 1, 1984.

(3) Every (a) dwelling unit within a dwelling or apartment house constructed prior to January 1, 1982, (b) mobile home, and (c) manufactured housing unit constructed pursuant to sections 71-1555 to 71-1567, shall be provided with one or more operating smoke detectors meeting the requirements of the State Fire Marshal's rules and regulations at the time of their remodeling or sale. In the event of a sale, the provision of smoke detectors shall be the sole responsibility of the seller, which responsibility shall not be assigned or imputed to any other party or the agent of any party to the sale.".

6. On page 5, line 2, after "for" insert "one month or"; in line 3 strike "than a month"; and after line 20 insert the following new subsection:

"(3) This section shall apply solely to rental property.".

7. On page 6, line 1, after "building" insert "which may be".

8. Renumber sections 9 and 11 to 14 as sections 10 and 12 to 15, respectively.

MOTION - Overrule Speaker's Agenda

Mr. DeCamp moved to overrule the agenda so as to consider LB 40.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

Mr. Dworak requested a roll call vote on the motion to overrule the Speaker's agenda.

Voting in the affirmative, 31:

Beyer
Chronister
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Nichol
Peterson, H.
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 12:

Barrett
Beutler
Burrows
Carsten
Dworak
Goll
Marvel
Newell
Peterson, R.
Stoney
Vickers
Warner

Present and not voting, 2:

Chambers
Pirsch

Excused and not voting, 4:

Clark
Cullan
Haberman
Kremer

The motion to overrule the Speaker's agenda prevailed with 31 ayes, 12 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 40.

A BILL FOR AN ACT to amend section 77-27,142, Revised Statutes Supplement, 1980, relating to revenue and taxation; to eliminate the automatic expiration of certain taxes; to delete a reporting requirement; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 30:

Beyer
Carsten
Chronister
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Maresh
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Sieck
Von Minden
Wagner
Wiitala

Voting in the negative, 15:

Barrett
Beutler
Burrows
Dworak
Goll
Higgins
Lamb
Landis
Marvel
Peterson, R.
Schmit
Stoney
Vickers
Warner
Wesely

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Clark
Cullan
Kremer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 376. Mr. DeCamp asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 326. Mr. Beutler asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 146. Title read. Considered.

Standing Committee amendments, Req. #2166, found in the Journal on page 1028 for the Forty-Seventh Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Rumery renewed his pending amendment found in the Journal on page 1419.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Vickers offered the following amendment:

1. On page 5, line 7, strike “either”, show as stricken, and insert “any”; in line 10 strike “or” and show as stricken; in line 14 strike “or”; and after line 14 insert:

“(iii) Interference with present or reasonably foreseeable uses of surface water in the district; or

(iv) Reduction or loss of subirrigation within the district; or”.

Mr. Vickers moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Beutler
Burrows
Carsten
Chambers
Dworak
Fowler
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Landis
Maresh
Marsh
Newell
Peterson, R.
Pirsch
Remmers
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 15:

Chronister
Cope
DeCamp
Fenger
Fitzgerald
Haberman
Higgins
Johnson, L.
Labedz
Lamb
Peterson, H.
Rumery
Schmit
Stoney
Wagner

Present and not voting, 7:

Barrett
Beyer
Goll
Goodrich
Marvel
Nichol
Von Minden

Excused and not voting, 3:

Clark
Cullan
Kremer

Absent and not voting, 2:

Hefner
Warner

The Vickers amendment lost with 22 ayes, 15 nays, 7 present and not voting, 3 excused and not voting, and 2 absent and not voting.

MR. NICHOL PRESIDING

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Wagner asked unanimous consent to print the following amendment to LB 134 in the Journal. No objections. So ordered.

On page 5, line 23, after "supplies" add "campaign signs, campaign sign-making equipment,".

Mr. Hoagland asked unanimous consent to print the following amendment to LB 179 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1. On page 19, strike beginning with "and" in line 12 through "capacity" in line 15; and in line 19 after "same" insert ", including any costs and attorney's fees which may have been awarded", and after the period insert "Nothing in this section shall be construed to prevent the discipline of any officer or employee who did not act reasonably and in good faith in the performance of his or her duties.".

Mr. Wagner asked unanimous consent to print the following amendment to LB 326 in the Journal. No objections. So ordered.

On page 6, line 17, strike "~~section~~" and add "sections".
On page 6, line 18, after "84-306.01" add "to 84-306.05".

ATTORNEY GENERAL'S OPINION

Opinion No. 74
April 9, 1981

Dear Senator Maresh:

We have reviewed your letter of March 31, 1981, concerning the filing and processing of "miscellaneous claims" under Neb.Rev.Stat. §81-8,236 to 81-8,239 (Reissue 1976) and, in particular the claim of Joseph J. Soukup. You asked our opinion on five questions.

First, you ask whether the State Claims Board was in compliance with the requirements of Neb.Rev.Stat. §81-8,239 (Reissue 1976) when it approved the payment of Mr. Soukup's claim without specifying a precise dollar amount. The above statute requires only that the Board approve the claim, disapprove the claim, or approve the claim "with conditions or limitations." While the latter phrase would include approval of a claim in an amount less than claimed, the plain language would also permit approval of the claim subject to standards for determination of the dollar amount. The Board approved the claim in part leaving the precise amount to be determined by the Legislature after considering Mr. Soukup's need for vocational and medical rehabilitation services and treatment. We believe that satisfies the statutory option for approval with conditions or limitations.

Second, you inquire whether there are any statutes of limitation which apply to the payment of "miscellaneous claims." Neb.Rev.Stat. §25-218 (Reissue 1979) is a general statute which applies to all claims against the state for which there is no more specific limitation. Consequently, it appears that statute would apply to the payment of claims under Neb.Rev.Stat. §818,236 (Reissue 1976). However, the general rule, as expressed in 53 C.J.S. Limitations of Actions §6b, is that a statute of limitations bars the remedy and does not discharge the debt. Accordingly, it may be argued that even though the claimant against the state no longer has a remedy for enforcement of his claim, the state may elect to pay the debt which still exists as in the situation where the state has in fact received services or merchandise but the claimant failed to collect therefor within two years.

Your third and fourth questions are related. Does the Claims Board and Legislature have jurisdiction over Mr. Soukup's claim, being in the nature of a tort claim, and, if not would payments of the claim violate Section 18 of Article III of the Nebraska Constitution?

Neb.Rev.Stat. §81-8,236 (Reissue 1976) authorizes the Board to receive and investigate other claims against the state "for the payment of which no money has been appropriated." This could include various kinds of claims so long as no money was appropriated or if the appropriation lapsed. Neb.Rev.Stat. §81-8,225 (Reissue 1976) provides for establishment of the Tort Claims Fund from which awards and judgments for state tort liability are to be paid. The Legislature appropriates money to that fund annually so there is always money appropriated to pay tort claims. Consequently, a tort claim is not a claim "for the payment of which no money has been appropriated" and a tort claimant is not entitled to the benefits of Neb.Rev.Stat. §§81-8,236 to 81-8,239 (Reissue 1976) but must pursue his remedy under the State Tort Claims Act, Neb.Rev.Stat. §81-8,209 to 81-8,235 (Reissue 1976).

Article III, Section 18 of the Nebraska Constitution prohibits the Legislature from passing any special laws granting to any "individual any special or exclusive privileges, immunity or franchise whatever." The Nebraska Supreme Court has held that a law waiving the state's immunity for the benefit of an individual violates this provision. Cox v. State, 134 Neb. 751, 279 N.W. 482. By the same logic the Legislature cannot waive the statute of limitations for the benefit of a few within a class. Bordy v. State, 142 Neb. 714, 7 N.W.2d 632.

The onus of the above section may be avoided by strictly following the procedures set forth in the statutes waiving immunity for a class of claims. For instance a person pursuing a tort claim must strictly follow the procedures in the State Tort Claims Act.

More specifically, assuming Mr. Soukup's claim is for the alleged tortious acts of state employees, the payment of such claim outside the ambit of the State Tort Claims Act would probably be held in violation of Article III, Section 18 of the Nebraska Constitution. For the foregoing reasons it might also violate Article I, Section 16 of the Nebraska Constitution which provides that "no . . . law . . . making any irrevocable grant of special privileges or immunities shall be passed."

Fifth, you inquire whether Neb.Rev.Stat. §81-8,236 (Reissue 1976) expands the waiver of immunity granted in the State Tort Claims Act. In our opinion it does not expand the waiver of immunity but merely provides a procedure for hearing processing, and paying claims for which no money has been appropriated, and which the state may not be legally obligated to pay. As indicated above, however, if Mr. Soukup's claim is tortious in nature, it does not fall within the "miscellaneous claim" procedure.

In summary, it is our opinion that:

1. The State Claims Board need not specify a dollar amount to be paid on a claim it approves if it sets out a standard for determination of the amount to be paid.
2. Neb.Rev.Stat. §25-218 (Reissue 1979) appears to apply to "miscellaneous claims" but that does not preclude the payment of legitimate claims barred by the statute.
3. The State Claims Board and Legislature probably could not get jurisdiction of Mr. Soukup's "miscellaneous claim," assuming his claim is tortious in nature.
4. Payment of Mr. Soukup's "miscellaneous claim" would probably violate Article III, Section 18 and Article I, Section 16 of the Nebraska Constitution.
5. The "miscellaneous claim" statute, Neb.Rev.Stat. §81-8,236 (Reissue 1976) does not expand the waiver of immunity but provides a procedure for processing and payment of claims for which there is not appropriation.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John R. Thompson
Deputy Attorney General

JRT:kkh
cc: Patrick O'Donnell

GENERAL FILE

LEGISLATIVE BILL 389. Title read. Considered.

Standing Committee amendments, Req. #2185, found in the Journal on page 1030 for the Forty-Seventh Day were considered.

Messrs. Wesely and Schmit renewed their pending amendment to the Standing Committee amendments found in the Journal on page 1278.

The amendment was adopted with 16 ayes, 2 nays, 28 present and not voting, and 3 excused and not voting.

Mr. Dworak asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

Advanced to E & R for Review with 26 ayes, 7 nays, 12 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Maresh asked unanimous consent to print the following amendment to LB 389 in the Journal. No objections. So ordered.

In Committee Amendments Page 1 line 4 strike "six" and insert "three".

Mr. Wiitala asked unanimous consent to print the following amendment to LB 440 in the Journal. No objections. So ordered.

Section 1. (1) The board of education or school board of any Class II, III, IV, V, or VI school district may ~~consist of~~ include at least one nonvoting member who is a public high school student from the district. If the board elects to include such a nonvoting student member, ~~The~~ the student member shall serve for a term of one year, beginning on September 1~~.~~ , and shall be the student body or student council president, the senior class representative, or a representative elected from and by the entire student body~~.~~ , as designated by the voting members of the board.

(2) Any nonvoting student member of the board shall have the privilege of attending all open meetings of the board but shall be excluded from executive sessions.

RESOLUTION

LEGISLATIVE RESOLUTION 59.

Introduced by Maresh, 32nd District; Sieck, 24th District.

WHEREAS, approximately one-fourth of the thirteen million gallons of oil used each year in Nebraska for lubrication is dumped after it is used; and

WHEREAS, the indiscriminate disposal of used oil contributes to the pollution of our water supplies, to the loss of wildlife, and to the fouling of waste treatment facilities; and

WHEREAS, three-fourths of all used oil can be cleaned and filtered for reuse in lubrication, and the remainder can be reused for the production of heat and electricity and in diesel fuel concentrations; and

WHEREAS, the Southeast Nebraska Small Farms Action Group, in cooperation with the Isaac Walton League and the Seward County Recycling Center, and with the support of the Seward County Commissioners, has begun a used oil recycling program in Seward County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends the Southeast Nebraska Small Farms Action Group for its efforts in the reclamation of used oil and the protection and conservation of the environment and our valuable resources.
2. That the Legislature encourages other cities and counties to cooperate with the Southeast Nebraska Small Farms Action Group and other organizations to begin similar programs for the conservation of this valuable energy source and of the ecology.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 318 in the Journal. No objections. So ordered.

Amend committee amendments Page 7 reinstate new language in lines 22, 23, and 24.

Pg 7 Line 22 Strike "one-fourth" and insert "three-fourths"

VISITORS

Visitors to the Chamber were 27 fourth grade students and teachers from Laurel-Concord School, Laurel; and 25 fifth and sixth grade students and teachers from Saratoga School, Lincoln.

ADJOURNMENT

At 4:09 p.m., on a motion by Mr. H. Peterson, the Legislature adjourned until 9:00 a.m., Wednesday, April 15, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FOURTH DAY - APRIL 15, 1981

LEGISLATIVE JOURNAL

SIXTY-FOURTH DAY - APRIL 15, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE FIRST SESSION

SIXTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 15, 1981

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Dr. Al J. Norden, Pastor at University Lutheran Chapel, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, Clark, and DeCamp who were excused; and Messrs. Chambers, Cope, Cullan, Haberman, Hoagland, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Third Day was approved.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 11. Placed on Select File as amended.
E & R amendments to LB 11:

1. On page 2, line 24, strike the first comma.
2. On page 7, line 23, strike "of" and insert "for".
3. On page 10, line 11, strike "member" and insert "members".
4. On page 12, line 9, insert a comma after "purchaser"; and in line 25 insert "during the preceding calendar year" after "Nebraska".
5. Renumber original sections 16 to 26 as sections 15 to 25.

LEGISLATIVE BILL 346. Placed on Select File as amended.
E & R amendments to LB 346:

1. On page 3, line 11, strike "84" and insert "85".
2. On page 17, line 22, strike the second comma.
3. On page 20, line 5, strike ", and" and insert "and,".
4. In the Johnson amendments, lines 2, 7, and 10, strike ", but" and insert "but,".
5. On page 27, line 17, insert an underscored comma after "minutes".
6. On page 32, line 4, strike "however" and insert "but".
7. On page 33, line 24, strike "rendered" and insert "held".
8. In S. C. amendments, page 2, line 26, strike "on" and insert "an".
9. On page 42, line 25, strike the comma.
10. On page 44, lines 15 and 25, strike the comma.
11. On page 51, line 22, strike the comma.
12. On page 52, strike the first comma in line 12, and the comma in line 13.

LEGISLATIVE BILL 334. Placed on Select File.
LEGISLATIVE BILL 334A. Placed on Select File.

LEGISLATIVE BILL 248. Placed on Select File as amended.
E & R amendment to LB 248:

1. In the title, line 2, strike "section 79-1522.01" and insert "sections 79-1522, 79-1522.01, and 79-1540"; in line 4 insert "to increase the service annuity;" after the semicolon; in line 6 insert "to provide for full funding of the Service Annuity Fund;" after the semicolon; and in line 7 strike "section" and insert "sections".

LEGISLATIVE BILL 463. Placed on Select File as amended.
E & R amendment to LB 463:

1. In the title, strike beginning with "section" in line 2 through the second comma in line 5 and insert "sections".

(Signed) Karen Kilgarin, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 77
April 13, 1981

Dear Senator R. Peterson:

In your letter of April 6, 1981, you requested our opinion "as to the constitutionality of LB 184." We have reviewed the bill referenced in your letter, and we find serious questions as to the constitutional validity of this type of legislation.

LB 184 basically provides that no corporation other than a family farm or ranch corporation or an authorized farm corporation shall engage in farming or ranching in Nebraska or shall directly or indirectly own or otherwise obtain an interest in real estate used for farming or ranching in Nebraska. The bill defines a family farm or ranch corporation as a Nebraska corporation, founded for the purposes of farming or ranching and the ownership of agricultural land, in which the majority of the voting stock is held by members of a family related to one another within the fourth degree of kindred at least one of whom is a person residing on or actively engaged in the labor or management of the farm or ranch. Corporations or partnerships may not be stockholders in a family farm or ranch corporation. The bill further defines an authorized farm corporation as a corporation (a) which has no more than ten shareholders, (b) which has no more than one class of shares, (c) whose shareholders are natural persons and not nonresident aliens, and (d) whose revenue from rent, royalties, dividends, interest, and annuities does not exceed twenty percent of its gross receipts. LB 184 also contains provisions relating to further exceptions and enforcement which are not pertinent to our present discussion.

This office has issued numerous opinions on bills nearly identical or similar to LB 184 over the past several years. See, Report of the Attorney General, 1971-1972, No. 86 at page 201 and No. 118 at page 275, Report of the Attorney General, 1973-1974, No. 116 at page 159, Report of the Attorney General, 1975-1976, No. 5 at page 5 and No. 40 at page 43, Report of the Attorney General, 1977-1978, No. 44 at page 62 and No. 172 at page 258. We have attached copies of two of the more recent of these opinions to this letter for your reference.

In all of the opinions cited above, this office has repeatedly stated that legislation similar or identical to LB 184 is of suspect constitutional validity. We have variously stated that this type of legislation involves an improper and invalid legislative classification of corporations, that this type of legislation involves an improper overextension of the Legislature's police power, and that this type of legislation is in contravention of Article XII, Section 1, and Article III, Section 18 of the Nebraska Constitution pertaining to special laws. We have reviewed LB 184 in light of our various earlier opinions and we have determined that LB 184 raises the same constitutional concerns as we expressed earlier.

As we have also previously stated, we are not unmindful of the importance of agriculture to the State of Nebraska and of the legislative concerns addressed in LB 184. However, we must again state, as in our earlier opinions, that the type of legislation exemplified by LB 184 does raise serious constitutional concerns and is of suspect constitutional validity.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

DAC:ekj
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

REPORT

Received report from Department of Administrative Services in accordance with 81-1120.18 RRS of proceedings of State Communications Advisory Meeting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 40, 379, 392, and 479.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 74.

A BILL FOR AN ACT to amend section 37-1105, Revised Statutes Supplement, 1980, relating to park entry permits; to change permit fees; to provide an operative date; and to repeal the original section, and also section 37-1105.01, Revised Statutes Supplement, 1980.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 35:

Barrett
Beutler
Carsten
Chronister
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 5:

Burrows
Lamb
Maresh
Marvel
Remmers

Excused and not voting, 9:

Beyer
Chambers
Clark
Cope
Cullan
DeCamp
Haberman
Hoagland
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 44.

A BILL FOR AN ACT to amend sections 69-201 to 69-206, 69-209, and 69-210, Reissue Revised Statutes of Nebraska, 1943, and section 69-208, Revised Statutes Supplement, 1980, relating to pawnbrokers; to revise provisions for regulation of pawnbrokers; to provide for recovery of property by the owner; to provide a penalty for certain violations; and to repeal the original sections, and also sections 69-207 and 69-211, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Barrett
Beutler
Burrows
Carsten
Chronister
Dworak
Fenger
Fitzgerald
Fowler
Goll
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 1:

Goodrich

Excused and not voting, 9:

Beyer
Chambers
Clark
Cope
Cullan
DeCamp
Haberman
Hoagland
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 87.

A BILL FOR AN ACT to amend section 53-1,121, Revised Statutes Supplement, 1980, relating to liquors; to authorize removal of certain persons from quasi-public property as prescribed; to require civil protective custody; to define a term; and to repeal the original section.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 36:

Barrett
Beutler
Burrows
Carsten
Chronister
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Higgins
Johnson, L.
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 3:

Dworak
Johnson, V.
Kahle

Present and not voting, 1:

Marvel

Excused and not voting, 9:

Beyer
Chambers
Clark
Cope
Cullan
DeCamp
Haberman
Hoagland
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 536. Mr. Beutler asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 271. With Emergency.

A BILL FOR AN ACT relating to loans; to provide for preauthorized loans as prescribed; to define terms; to provide powers for the Department of Banking and Finance; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Barrett
Beutler
Carsten
Chronister
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Burrows

Present and not voting, 1:

Peterson, R.

Excused and not voting, 6:

Beyer
Chambers
Clark
Cope
Cullan
DeCamp

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 173.

A BILL FOR AN ACT to adopt the Conservation and Preservation Easements Act; and to provide for severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Barrett
Beutler
Burrows
Carsten
Chronister
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Newell

Excused and not voting, 6;

Beyer
Chambers
Clark
Cope
Cullan
DeCamp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATION OF VOTE

Had I been present I would have voted the following: LB 74 - No, LB 44 - Yes, LB 87 - Yes.

(Signed) Rex Haberman

ANNOUNCEMENT

Mr. Maresh announced the Business and Labor Committee will meet in executive session Thursday, April 16th, 1981 at 1:00 in the West Lounge.

SELECT FILE

LEGISLATIVE BILL 327. Mr. Landis renewed his pending amendment found in the Journal on page 1305.

The amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 298. E & R amendment found in the Journal on page 1288 for the Fifty-Seventh Day was adopted.

Mr. Koch asked unanimous consent to withdraw his pending amendment found in the Journal on page 1279. No objections. So ordered.

Mr. Koch renewed his pending amendment found in the Journal on page 1415.

The amendment was adopted with 25 ayes, 9 nays, 9 present and not voting, and 6 excused and not voting.

Mr. Sieck asked unanimous consent to withdraw his pending amendment found in the Journal on page 1392. No objections. So ordered.

Mr. Sieck renewed his pending amendment found in the Journal on page 1450.

Mr. Sieck moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Sieck requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Burrows
Carsten
Chronister
Fowler
Goodrich
Haberman
Hefner
Higgins
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Maresh
Newell
Peterson, R.
Pirsch
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wiitala

Voting in the negative, 14:

Barrett
Dworak
Fenger
Goll
Johnson, L.
Landis
Marsh
Marvel
Nichol
Peterson, H.
Remmers
Stoney
Warner
Wesely

Present and not voting, 2:

Beutler
Fitzgerald

Excused and not voting, 6:

Beyer
Chambers
Clark
Cope
Cullan
DeCamp

Absent and not voting, 1:

Hoagland

The Sieck amendment was adopted with 26 ayes, 14 nays, 2 present and not voting, 6 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

MR. NICHOL PRESIDING

Mr. Landis offered the following amendment:

Strike original Section 3 as amended. Insert a new Section 3.

Sec. 3. That section 19-902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

(1) For any or all of the purposes designated in section 19-901, the local legislative body may divide the municipality into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of sections 19-901 to 19-914, and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. At least one district in the city shall provide for the use of land for mobile home courts and individually-owned lots in mobile home courts. The city may prescribe reasonable and necessary requirements of the site development for mobile homes in such districts in accordance with local standards. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

(2) Subdivision regulations and building, plumbing, electrical, housing, fire, or health codes, or similar regulations and the adoption thereof shall not be subject to the provisions of sections 19-901 to 19-915.

The amendment was adopted with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

Mr. Lamb requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 111. Mr. Chronister asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 486. E & R amendment found in the Journal on page 1346 for the Fifty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 241. E & R amendments found in the Journal on page 1346 for the Fifty-Ninth Day were adopted.

Mr. Koch offered the following amendment:

(Amendments to Standing Committee Amendments)

1. On page 1, line 6, after "device" insert "using as a guideline the Nebraska Sign Schedule developed and used by the Department of Roads".

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mrs. Marsh requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 4 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 328. E & R amendments found in the Journal on page 1365 for the Sixtieth Day were adopted.

MR. NICHOL PRESIDING

Mr. Schmit renewed his pending amendment, Req. #2300, found in the Journal on page 1398.

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 477. E & R amendment found in the Journal on page 1365 for the Sixtieth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 35. E & R amendment found in the Journal on page 1365 for the Sixtieth Day was adopted.

Messrs. Beutler and Wesely offered the following amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2319.)

Mr. Hefner offered the following amendment to the Beutler-Wesely amendment:
Section 6, line 25, to make a first offense conviction a Class IV misdemeanor and a second offense and thereafter a Class III misdemeanor.

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Goll offered the following amendment to the Beutler-Wesely amendment:
Reinstate on line 19, pg 1, stricken language lights, glass.

The amendment was adopted with 25 ayes, 6 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Maresh offered the following amendment to the Beutler-Wesely amendment:
On page 4 line 16 after Vehicles insert "preferably at the place of business".

The amendment was adopted with 26 ayes, 6 nays, 12 present and not voting, and 5 excused and not voting.

Mr. V. Johnson offered the following amendment to the Beutler-Wesely amendment:

A. Strike lines 12, 13, and new material in line 14, page 1.

B. Strike new material in line 6, page 2.

C. Strike new material in line 23, and lines 24 & 25, page 2.

D. Strike "or a certificate of date of sale" from lines 17 & 18, page 3.

E. Strike new material in line 13, page 8.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER MARVEL PRESIDING

The V. Johnson amendment lost with 9 ayes, 18 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Koch offered the following amendment to the Beutler-Wesely amendment:

On page 3, line 19, before "registration" insert "the renewal of any insurance policy on and for the"

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

The Koch amendment lost with 14 ayes, 18 nays, 10 present and not voting, and 7 excused and not voting.

Amendment pending.

LEGISLATIVE BILL 249. E & R amendment found in the Journal on page 1391 for the Sixty-First Day was adopted.

Mr. Koch requested a machine vote to advance the bill.

Mr. Landis requested a record vote.

Voting in the affirmative, 25:

Barrett
Burrows
Carsten
Chronister
Cullan
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Maresh
Marvel
Peterson, H.
Peterson, R.
Remmers

Rumery
Stoney
Von Minden
Wagner
Warner

Voting in the negative, 10:

Beutler
Fowler
Higgins
Kilgarin
Koch
Landis
Newell
Vickers
Wesely
Wiitala

Present and not voting, 7:

Chambers
Hoagland
Johnson, V.
Lamb
Marsh
Pirsch
Sieck

Excused and not voting, 7:

Beyer
Clark
Cope
DeCamp
Labedz
Nichol
Schmit

Advanced to E & R for Engrossment with 25 ayes, 10 nays, 7 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Kahle asked unanimous consent to print the following amendment to LB 11 in the Journal. No objections. So ordered.

1. On page 8, line 18, after "in" insert "each of the six districts of".

Mr. Warner asked unanimous consent to print the following amendment to LB 190 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1. On page 2, strike beginning with "Each" in line 17 through the underscored period in line 27 and insert "There is hereby levied an excise tax on each railroad transporting freight in the State of Nebraska. Such tax shall be levied at the rate of six and seven-tenths cents for each train mile operated by such railroad in the state and one hundred dollars for each public grade crossing on the line of such railroad in the state. Such tax shall be independent of any assessment of costs for benefits received by the railroad from projects for the construction, rehabilitation, relocation, or modification of railroad grade separation facilities. The Department of Revenue shall collect the tax due pursuant to this section from each railroad transporting freight within the state.".

2. On page 3, line 7, strike "assessed" insert "taxed"; in line 9 after "1981" insert "tax"; in line 11 strike "assessments" and insert "taxes"; in line 12

strike “in” and insert “on a”; in line 13 strike “installments” and insert “basis”; in line 14 strike “installments” and insert “payments”; in line 15 strike “maximum interest”; in line 16 strike “45-101.03” and insert “1, Legislative Bill 167, Eighty-seventh Legislature, First Session, 1981”; in line 23 reinstate “tax”; and in line 24 strike “assessment”.

3. On page 4, line 1, reinstate the stricken matter; strike beginning with “as” in line 2 through “of” in line 5 and insert “for the purpose of constructing, rehabilitating, relocating, or modifying”.

4. In the title, strike beginning with “grade” in line 4 through the semicolon in line 8 and insert “an excise tax as prescribed; to provide a duty;”.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 15, 1981, at 9:35 a.m., were the following bills: 40, 379, 392, and 479.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 381. Placed on Select File as amended.
E & R amendments to LB 381:

1. In S. C. amendments, page 1, line 15, strike “24” and insert “25”.

2. On page 16, line 24, insert “and” after the first comma.

3. On page 25, line 17, strike “and” and insert “, ~~and~~”.

4. In S.C. amendments, page 5, line 8, strike “ensure” and insert “insure”.

5. On page 31, line 14, insert “or” after the comma.

6. In S. C. amendments, page 8, line 9, strike “where” and insert “~~where~~ when”.

7. On page 44, line 7, strike the comma.

8. In the title, insert “81-159,” at the end of line 3; in line 4, insert “81-163.01,” after the second comma; in line 6 strike “and” and after the comma insert “and 83-147,”; in line 7 insert “81-166,” after “sections”; and in line 9 strike “and” and after the first comma insert “and 83-145,”.

LEGISLATIVE BILL 3. Placed on Select File.

LEGISLATIVE BILL 366. Placed on Select File as amended.
E & R amendment to LB 366:
1. In the title, strike lines 3 to 19 and insert "include firefighters in the existing police officers pension system; to change benefit provisions; to provide for withdrawal and repayment of contributions and interest; to amend sections 15-1001, 15-1001.01, 15-1013.02, and 15-1020, Reissue Revised Statutes of Nebraska, 1943, and section 15-1007, Revised Statutes Supplement, 1980; and to repeal the original sections.".

(Signed) Karen Kilgarin, Chairperson

VISITORS

Visitors to the Chamber were students and sponsor from Newcastle High School; 2 groups of fourth grade students and teachers from Millard Public Schools; 25 eighth grade students and principal from Wakefield Community School; 16 seniors and teacher from Deshler High School; 30 fourth grade students and teachers from North Park School, Columbus; and Earl and Charlotte Pace from Ralston.

RECESS

At 12:11 p.m., on a motion by Mr. Beutler, the Legislature recessed until 1:40 p.m.

AFTER RECESS

The Legislature reconvened at 1:43 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, Clark, and DeCamp who were excused; and Mrs. Labedz, Messrs. Carsten, Cope, Fowler, Goodrich, and Sieck who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 35. The Beutler-Wesely pending amendment referred to in this day's Journal on page 1485 was renewed.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Beutler-Wesely amendment lost with 11 ayes, 18 nays, 12 present and not voting, and 8 excused and not voting.

Mrs. Marsh requested a machine vote to advance the bill.

Mr. Vickers moved for a Call of the House. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Advanced to E & R for Engrossment with 25 ayes, 14 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

GENERAL FILE

LEGISLATIVE BILL 318. Title read. Considered.

Standing Committee amendments found in the Journal on page 1041 for the Forty-Seventh Day were considered.

Mr. Lamb renewed his pending amendment to the Standing Committee amendments found in the Journal on page 1473.

Mr. Lamb moved for a Call of the House. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Haberman
Hefner
Johnson, V.
Kahle
Lamb
Maresh
Peterson, R.
Schmit
Von Minden
Wagner
Warner

Voting in the negative, 28:

Barrett
Beutler
Burrows
Chronister
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Hoagland
Johnson, L.
Kilgarin
Koch
Kremer
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Stoney
Vickers
Wesely
Wiitala

Present and not voting, 2:

Higgins
Remmers

Excused and not voting, 8:

Beyer
Carsten
Chambers
Clark
Cope
DeCamp
Labedz
Sieck

The Lamb amendment lost with 11 ayes, 28 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

The Standing Committee amendments were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Remmers offered the following amendment:

1. On page 13, line 1, after the second "of" insert "special"; in line 2 after "education" insert "for the disadvantaged and handicapped"; in line 7 strike "rate" and insert "increase", and strike "each"; in line 8 after "approved" insert "special", and strike "program" and insert "programs for the disadvantaged and handicapped"; in line 11 after "be" insert " .4." and strike "increased as follows:"; and strike lines 12 through 22.

MR. V. JOHNSON PRESIDING

Mr. Remmers moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Remmers requested a roll call vote.

Voting in the affirmative, 21:

Barrett
Beutler
Carsten
Chronister
Dworak
Fenger
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Maresh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Stoney
Von Minden
Wagner

Voting in the negative, 18:

Cullan
Fitzgerald
Fowler
Goll
Goodrich
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Landis
Marsh
Marvel
Newell
Rumery

Warner
Wesely
Wiitala

Present and not voting, 3:

Burrows
Higgins
Vickers

Excused and not voting, 6:

Beyer
Clark
Cope
DeCamp
Labedz
Sieck

Absent and not voting, 1:

Chambers

The Remmers amendment lost with 21 ayes, 18 nays, 3 present and not voting, 6 excused and not voting, and 1 absent and not voting.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chair declared the Call raised.

SPEAKER MARVEL PRESIDING

Mr. Lamb offered the following amendment:
Strike Section 5

Mr. Lamb moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Beutler
Chronister
Cullan
Fenger
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Lamb
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Stoney
Vickers
Von Minden
Wagner

Voting in the negative, 21:

Barrett
Chambers
Dworak
Fitzgerald
Fowler
Goll
Goodrich
Hoagland
Kilgarin
Koch
Kremer
Landis
Maresh
Marsh
Newell
Nichol
Rumery
Sieck
Warner
Wesely
Wiitala

Present and not voting, 2:

Burrows
Marvel

Excused and not voting, 6:

Beyer
Carsten
Clark
Cope
DeCamp
Labedz

The Lamb amendment lost with 20 ayes, 21 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Beutler moved to indefinitely postpone LB 318.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Beutler requested a roll call vote on his motion.

Voting in the affirmative, 23:

Beutler
Carsten
Cullan
Dworak
Fenger
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Koch
Lamb
Landis
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Stoney
Vickers
Von Minden
Wagner

Voting in the negative, 19:

Barrett
Chronister
Fitzgerald
Fowler
Goll
Goodrich
Hoagland
Kilgarin
Kremer
Maresh
Marsh
Marvel
Newell
Nichol
Rumery
Sieck
Warner
Wesely
Wiitala

Present and not voting, 1:

Burrows

Excused and not voting, 5:

Beyer
Clark
Cope
DeCamp
Labedz

Absent and not voting, 1:

Chambers

The Beutler motion to indefinitely postpone prevailed with 23 ayes, 19 nays, 1 present and not voting, 5 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 132 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1. Insert the following new section:

"Sec. 49. (1) A municipality which desires to become part of the agency shall obtain voter approval prior to adopting an ordinance pursuant to section 20 of this act if (a) the municipality is required to obtain voter approval prior to the exercise of the power of eminent domain, the issuance of bonds, or the acquisition or construction of a power, sewerage, solid waste disposal, or water project and (b) such agency has the power to exercise eminent domain, issue bonds, or acquire or construct a power, sewerage, solid waste disposal, or water project.

(2) A municipality which is not a member of the agency shall obtain voter approval prior to entering into an agreement with the agency pursuant to section 47 of this act if (a) the municipality is required to obtain voter approval prior to the exercise of the power of eminent domain, the issuance of bonds, or the acquisition or construction of a power, sewerage, solid waste disposal, or water project and (b) the agreement provides for or may result in the agency exercising the power of eminent domain, issuing bonds, or acquiring or constructing a power, sewerage, solid waste disposal, or water project.".

2. On page 32, line 20, strike "51 to 62" and insert "52 to 63".

3. On page 37, line 26, and page 44, line 27, strike "50 to 62" and insert "51 to 63".

4. On page 47, line 37, strike "61 to 80" and insert "62 to 81".

5. On page 48, line 13, strike "52 to 62" and insert "53 to 63".

3. Renumber section 49 to 87 as sections 50 to 88 respectively.

Mr. Wesely asked unanimous consent to print the following amendment to LB 366 in the Journal. No objections. So ordered.

(Amendments to Standing Committee Amendments)

1. On page 3, lines 17, and 19, strike "effective" and insert "operative".

2. On page 4, lines 8, 10, and 21, strike "effective" and insert "operative".

3. On page 7, line 12, strike "effective" and insert "operative".

4. Insert the following new sections:

"Sec. 11. This act shall become operative on September 1, 1981.

Sec. 13. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

5. Renumber remaining sections accordingly.

Mr. Vickers asked unanimous consent to print the following amendment to LB 266 in the Journal. No objections. So ordered.

Req. #2327

1. Insert the following new sections:

"Sec. 2. That section 81-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-502. It shall be the duty of the State Fire Marshal, under authority of the Governor, (1) to enforce all laws of the state relating to the suppression of arson and investigation of the cause, origin, and circumstances of fires; (2) to promote safety and reduce loss by fire; (3) after a careful study and investigation of relevant data bearing thereon, to promulgate, alter, and enforce rules and regulations covering: (a) The prevention of fires; (b) the storage, sale, and use of flammable liquids, combustibles, and explosives; (c) electric wiring and heating, protection equipment devices, materials, furnishings, and other safeguards within the structure necessary to promote safety and reduce loss by fire, and the means and adequacy of exits, in case of fire, in assembly, educational, institutional, residential, mercantile, office, storage, and industrial-type occupancies as such structures are defined in the National Fire Protection Association, Pamphlet Number 101 and associated pamphlets, and all other buildings, structures, and enclosures in which numbers of persons congregate from time to time for any purpose whether privately or publicly owned; (d) design, construction, location, installation, and operation of equipment for storing, handling, and utilization of liquefied petroleum gases, specifying the odorization of said gases and the degree thereof; and (e) chemicals, prozylin plastics, X-ray nitrocellulose films, or any other hazardous material that may now or hereafter exist; and (4) to make an investigation for fire safety of all licensed child-care facilities or applicants for licenses for child-care facilities within a reasonable time after request by the Department of Public Welfare. The State Fire Marshal ~~shall~~ may delegate the authority set forth in this section to qualified local fire prevention personnel. ~~, which local authority shall prevail, subject to established appeal procedures.~~ The State Fire Marshal may overrule a decision, act, or policy of the local fire prevention personnel. When the State Fire Marshal overrules the local personnel, such local personnel may follow the appeals procedure established by sections 81-502.01 to 81-502.03. Such delegation of local authority may be revoked by the State Fire Marshal for cause upon thirty days' notice after hearing. The State Fire Marshal, first assistant fire marshal, and deputies shall have such other powers and perform such other duties as are set forth in sections 81-501.01 to 81-531, and as may be conferred and imposed by law. The rules and regulations adopted pursuant to this section may conform generally to the standards recommended by the National Fire Protection Association, Pamphlet Number 101, known as the Life Safety Code, and associated pamphlets, but not when doing so would impose an unduly severe or costly burden without substantially contributing to safety of persons or property. Such rules and regulations shall apply to sites or structures in public ownership listed on the National Register of Historic Places but without destroying the historic quality thereof. Plans for compliance with such rules and regulations shall be reviewed by the State Fire Marshal Advisory Committee to grant variances from such rules and regulations when in the opinion of a majority of its members the site or structure is not hazardous to life and the proposed variance does not conflict with the public interest.

Sec. 3. That original section 81-502, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Underscore new matter.

Mr. Newell asked unanimous consent to print the following amendments to LB 394 in the Journal. No objections. So ordered.

(1)
Amendments to LB 394 Committee Amendments
Req. 2240 — White Copy

Page 1. line 14, strike "one half",
insert "60 per cent"

(2)
Amendments to LB 394 Committee Amendments
Req. 2240 - White Copy

Page 9, line 15, following "case;", insert the following: "good cause, for purposes of this subdivision, shall include any personal cause of a compelling and necessitous nature which would enduce any reasonably prudent person to leave his or her employment;"

(3)
Amendments to LB 394 Committee Amendments
Req. 2240 - White Copy

page 9, line 15, following "case;" insert the following: except that (1) no individual shall be disqualified under this subdivision if the Commissioner of Labor determines that such individual has voluntarily left his or her last work to accompany, follow, or join his or her spouse at a new place of residence, has clearly shown, upon arrival at the new place of residence, an immediate entry into the labor market and is, in all respects, available for suitable work" and (2) no individual shall be disqualified under this subdivision if the Commissioner of Labor determines that such individual has left his or her most recent work because of sexual harrassment attributable to the employer or to conditions of employment maintained at the place of employment."

Mr. Wesely asked unanimous consent to print the following amendment to LB 266 in the Journal. No objections. So ordered.

(Amendment to Standing Committee Amendments)

1. On page 1, strike beginning with "strike" in line 1 through the semicolon in line 2 and insert "after 'shall' insert 'not later than April 1, 1982,';"; and in line 3 after the semicolon insert "in line 7 after the period insert 'New buildings shall mean buildings on which construction commences after the effective date of the code and existing buildings shall mean buildings on which construction has commenced on or before the effective date of the code. Existing buildings shall comply with the code on or before January 1, 1983.';".

Mr. Schmit asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

Req. #2315

1. Insert the following new section:

"Sec. 4. That section 66-602, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-602. As used in sections 66-601 to 66-640, unless the context otherwise requires:

(1) Person shall mean every natural person, fiduciary, association, or corporation. Whenever used in sections 66-601 to 66-640 prescribing and imposing a fine, imprisonment, or both, the word person as applied to an association shall mean the partners or members thereof;

(2) Motor fuel tax administrator shall mean the Tax Commissioner;

(3) Highway shall mean every way or place generally open to the use of the public for the purpose of vehicular travel, even though such way or place may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair, or reconstruction;

(4) Special fuel shall mean all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles, except that it does not include motor fuel as defined in subdivision (2) of section 66-401 or grain alcohol produced in the State of Nebraska;

(5) Use shall mean the receipt, delivery, or placing of special fuels by a special fuel dealer into the fuel supply tank or tanks of any motor vehicle while such vehicle is within this state;

(6) Special fuel dealer shall mean any person who delivers special fuel into the fuel tank or tanks of a motor vehicle; and

(7) Motor vehicle shall mean any vehicle propelled by an internal combustion engine and licensed, or subject to licensing, for operation upon the highways, except those buses engaged entirely in transportation of passengers for hire within municipalities or in and within a radius of six miles thereof.".

2. On page 5, line 1, after "66-441" insert a comma, and strike "and"; and in line 2 after the first comma insert "and 66-602,".

3. Renumber original section 4 as section 5.

ATTORNEY GENERAL'S OPINION

Opinion No. 78
April 14, 1981

Dear Senator Carsten:

You have asked our opinion as to the constitutional validity of the final reading version of LB 284. The first four sections of this bill create the Political Subdivision Property Tax Relief Fund, provide that seventy million dollars shall be appropriated to it in fiscal years 1980-1981, 1981-1982, 1982-1983, and provide for its distribution to political subdivisions of the state. We have substantial doubts as to the validity of the formula for distribution.

The money in the fund is initially to be distributed to the counties, and then is to be distributed by the counties to the political subdivisions within the counties, including the counties themselves. The percentage of the fund each county is to receive for distribution is obtained by dividing the actual valuation of taxable property in the county by the actual value of taxable property in the state.

As the Supreme Court held in State ex rel. Douglas v. Marsh, 207 Neb. 598 (1980), distributions of this sort to the various counties involve classification, with each county put in a separate class. This does not involve frozen classification, as was involved in that case, but it is classification. The Legislature may, of course, classify for purposes of legislation, but the classification "must be based on some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified." See, City of Scottsbluff v. Tiemann, 185 Neb. 256, 175 N.W.2d 74 (1970). In order to determine the reasonableness of classification, we must look to the objects and purposes of the law. See, Skag-way Department Stores, Inc. v. City of Grand Island, 176 Neb. 169, 125 N.W.2d 529 (1964).

The bill does not attempt to state the purpose which will be served by this formula for distribution. Section 6 does mention some purposes of providing financial assistance to the political subdivisions, but it is not clear whether that section pertains to the distributions we have been describing, or only to such assistance after fiscal year 1982-1983. In any event, none of those itemized in section 6 demonstrate a logical relationship between themselves and the distribution of the funds on the basis of valuations of taxable property.

In our opinion of April 1, 1981, Opinion No. 62, we reached the conclusion that we might be able to defend the use for two years of real estate valuations of the type discussed in that opinion, because the purpose of the bill was to replace revenue lost because of the exemption of certain types of agricultural-related personal property and business inventories. We felt that a tenable argument could be made that the use of the valuations as then prescribed might roughly reflect the losses suffered by each county because of such exemptions.

We do not believe LB 284, as amended, can be construed as being reimbursement for revenues lost because of the exemptions we have mentioned. The actual losses are unascertainable, and we can see no possible relationship between such losses and assessed valuations of taxable property.

We have read a publication by the Advisory Commission on Intergovernmental Relations entitled "The State of State-Local Revenue Sharing," published in December, 1980. This publication states that 49 of the states have some such revenue-sharing program, and it analyzes the formulas used in many of the states. In general these formulas either attempt to compensate taxing agencies for revenues lost because of exemptions, to relieve property tax burdens by returning sales or income tax revenues to the sources from which they originated, or to distribute state revenues to local governmental units on the basis of need. We think the distribution on the basis of assessed valuations, as provided in LB 284, meets none of those goals.

As we have said, the formula does not purport to reimburse taxing agencies for losses due to exemptions, nor does it attempt to allocate the fund on the basis of the source of state revenue. Does it allocate the money to the counties on the basis of the relative needs of the counties? We think not.

In the publication we referred to, assessed valuations were indeed used in some of the formulas, but they were used in the form of assessed valuation per capita, and increased valuation per capita led to less state aid, not more. The reasoning is that increased valuatio per capita permits the taxing subdivision to raise the necessary revenues with a lower mill levy, so that the subdivision has less need for state aid. The formulas utilizing assessed valuations have therefore distributed the money on a per capita basis, adjusted by the per capita value of the assessed valuation of taxable property, so that the higher the assessed valuation per capita, the lower the dollar amount per capita disbursed by the state.

Distributing the fund on the straight basis of assessed valuations tends to give more money to those who need it least. Let us take two counties with identical populations, with county A having assessed valuations 50 percent higher than those of county B. The need for expenditures is primarily, although not exclusively, a function of population. See, "The State of State-Local Revenue Sharing," p. 20.

The revenue needs of counties A and B should be roughly the same. County A can raise that revenue with a mill levy only two-thirds that of county B, but under the proposed formula would get 50 percent more state aid. We are confident that among the 93 counties in the state many examples will be found to demonstrate this result. We think it is an irrational result.

It may be argued that there is some relationship between assessed valuations and population, so that the more populous counties will tend to get more money than less populous ones, even though they may get less per capita. This may be true, but it would be hard to justify using this as a substitute for distributing the fund on a population basis, when the actual population figures are available. If we divorce the assessed valuations from population, we are unable to perceive any rational basis for their use in the distribution of state aid.

Our Supreme Court demonstrated in State ex rel. Douglas v. Marsh that it will insist on a rational basis for distribution. It held that a distribution based on increased tax effort of a taxing subdivision was irrational. We think such a distribution was much more defensible than the one we are dealing with, based solely on the values of taxable property.

In our opinion of April 1, 1981, No. 62, we discussed a possible problem with respect to the distribution within the county, but reached the conclusion that we were prepared to defend it. The version of LB 284 we are now discussing has the same provision for distribution within the county. Again, we cannot guarantee what the court would say about it, but we feel that it is defensible.

We are therefore of the opinion that it would be difficult to defend the validity of distributing these funds to the counties in proportion to the value of the taxable property in each county.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

MESSAGE FROM THE GOVERNOR

April 15, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol

Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 40, 200, 280, 329, 330, 333, 371, 379, 392, 407, 437, and 479 have been received in my office this week.

These bills were signed by me on April 15, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Vickers asked unanimous consent to have his name added to LB 266. No objections. So ordered.

VISITORS

Visitors to the Chamber were Tom Burnes, Tom Burnes, II, and Antoine Ronstand from Omaha; and Babatunde Jagundina, Anthony Akanbi Idowu, Akande Abiodun, Dr. Funmi Awojinrin, Alaidele Elegunde, Ademola Ademoye, Abegboyega Adenaike, Oladotun Akintona, Alhaji Atanda Kadiri, and E. O. Otesile from Nigeria.

ADJOURNMENT

At 4:21 p.m., on a motion by Mr. L. Johnson, the Legislature adjourned until 9:00 a.m., Thursday, April 16, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIFTH DAY - APRIL 16, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

SIXTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 16, 1981

Pursuant to adjournment, the Legislature met at 9:06 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Gifford G. Myers, First Evangelical Free Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, DeCamp, and Hoagland who were excused; and Messrs. Beutler, Dworak, Newell, Von Minden, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Fourth Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolutions: LB's 74, 44, 87, 271, 173, and LR 21.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 15, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Burns, Steven D. - Lincoln, Nebraska Association of Public Employees
Cutshall, Bruce - Lincoln, Charles F. Noren
Johnson, Joseph E. - Lincoln, Wachiska Audubon Society
Noren & Burns:
    Charles F. Noren - Lincoln, Hawkeye Bancorporation
Rasmussen, Dennis - Lincoln, Mid-America Lumbermens Association
Ryan, James E. - Lincoln, Mid-America Lumbermens Association (Withdrawn 4/13/81)

RESOLUTIONS

LEGISLATIVE RESOLUTION 58. Read. Considered.

LR 58 was adopted with 31 ayes, 0 nays, and 18 not voting.

LEGISLATIVE RESOLUTION 59. Read. Considered.

LR 59 was adopted with 34 ayes, 0 nays, and 15 not voting.

LEGISLATIVE RESOLUTION 57. Read. Considered.

LR 57 was adopted with 34 ayes, 0 nays, and 15 not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 499 in the Journal. No objections. So ordered.

(Amendments to Committee Amendments)

1. On page 1, line 5, strike the semicolon and insert a period; and strike beginning with the second "in" in line 5 through the period in line 8.

MOTION - Print in Journal

Mr. Koch moved to reconsider the body's action on the indefinite postponement of LB 318.

Laid over.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 232. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2313.)

(Signed) Jerome Warner, Chairperson

MOTION - Return LB 132 to Select File

Mr. Kremer moved to return LB 132 to Select File for the following specific amendment:

FINAL READING COPY LB 132

On Page 7, line 16, strike "resolutions" and insert "ordinances".

The motion prevailed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 132. The Kremer specific amendment found in this day's Journal was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Withdraw Amendment to LB 132

Mr. Beutler asked unanimous consent to withdraw his pending amendment found in the Journal on page 1494. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 483. With Emergency.

A BILL FOR AN ACT to amend section 53-169, Reissue Revised Statutes of Nebraska, 1943, and sections 53-103 and 53-168, Revised Statutes Supplement, 1980, relating to liquors; to define terms; to provide that certain acts shall not be unlawful; to change provisions relating to advertising items given to retailers; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Kremer
Marvel
Schmit

Excused and not voting, 4:

Clark
DeCamp
Hoagland
Von Minden

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

ANNOUNCEMENT

TO: All Members
FROM: Senator Howard Lamb
RE: Interim Study Resolutions
DATE: April 15, 1981

Please be advised that the Executive Board has set Friday, May 8, 1981, as the deadline for introduction of Interim Study Resolutions. We anticipate using the following procedures, which are the same as those implemented last year:

1. Attached is a copy of the form to be used in submitting your Study Resolutions.

2. After the introduction of resolutions, a preliminary non-binding reference will be made by the Executive Board by Tuesday, May 12, 1981. We will then ask the committees to prioritize the resolutions and develop a program statement for each Interim Study Resolution assigned to them.

3. Those statements should be submitted to the Board, by May 22, 1981, then a final reference will be made to the appropriate standing committee following our review of the priority listings and program statements.

I would suggest that only those issues you deem important and worthy of interim committee activity be introduced. It is the Executive Board's intention to carefully review the number of Study Resolutions assigned to the appropriate study committee.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 146. Placed on Select File as amended.
E & R amendments to LB 146:

1. In lieu of all other amendments renumbering sections, renumber section 1, added by S. C. 1 as section 3, original sections 1 to 4 as 4 to 7, section 5 added by S. C. 7 as 8, original sections 5 to 7 as 9 to 11, sections 10 and 11 added by the Rumery amendments as 12 and 13, original section 8 as 14, and the emergency clause as 15.

2. In committee amendments, page 1, line 6, strike "September 20, 1957" and show stricken and insert "the operative date of this section".

3. In committee amendments, page 2, line 6, strike the first period; and in line 10 insert "the second" after "with"; and in line 25 insert "and show stricken" before the period.

4. On page 8, line 4, strike "as are".

5. In the title, line 2, insert "relating to water;" after "ACT", after "sections" insert "46-146, 46-609," and after "45-656" insert a comma; in line 4 insert "46-144," after "sections"; in lines 5 and 6, strike ", relating to ground water"; in line 6 after the first semicolon insert "to provide a maximum interest rate or discount on certain warrants; to change well spacing provisions;"; in line 10 after the first semicolon insert "to provide a penalty;" and strike "and"; and in line 11 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 389. Placed on Select File as amended.
E & R amendments to LB 389:

1. On page 4, line 26, insert "(1)" after "person"; and in line 27 insert "(2)" after the comma.
2. On page 5, line 1, insert "(3)" after the comma; and in line 2 insert "(4)" after "and".

(Signed) Karen Kilgarin, Chairperson

SELECT FILE

LEGISLATIVE BILL 134. Mr. Beutler offered the following amendment:

1. On page 3, in line 20 strike "the incumbent or for", strike "of" and insert "for".

The amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Wagner renewed his pending amendment found in the Journal on page 1467.

The amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Fenger moved to indefinitely postpone LB 134.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 95. Title read. Considered.

Standing Committee amendments found in the Journal on page 1062 for the Forty-Eighth Day were adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Cullan offered the following amendment:

1. On page 28, line 5 the word "Whenever" be stricken and the following be inserted "Upon the discharge from a regional center within the State of Nebraska,"; in line 5 after "person" add "who"; in line 6 strike "the"; in line 7 strike "person"; in line 8 after "medicine" add "which the regional center treating psychiatrist or the patient's treating physician has prescribed as necessary for the patient's mental health treatment"; in line 9 after "her" add "Such affidavit shall include the following: (1) that the patient qualifies as an

indigent person who is unable to pay under the same standards of the ability to pay statutes of sections 83-363 to 83-380, R.R.S. 1943; and (2) that such prescription medicine has been prescribed by the regional center's treatment psychiatrist or the patient's treating physician as necessary for the patient's mental health treatment."; strike the inserted amending language beginning on line 10 and insert in lieu thereof the following: "The mental health board will refer such requests it receives to the Department of Public Institutions and the Department shall provide such prescription medicine as may be necessary for such former patient's mental health treatment so long as he or she remains an outpatient and his or her treating physician continues to prescribe and certify such prescription medicine is necessary for the patient's mental health treatment and he or she continues to be an indigent person as determined under the same standards of ability to pay as set forth in sections 83-363 to 83-380, R.R.S. 1943. The Department of Public Institutions may promulgate rules and regulations to carry out the provisions of this section in accordance with Chapter 84, Article 9 including but not limited to hearings necessary to determine whether such person is qualified to receive such medications and whether such medication is necessary for the patient's mental health treatment."

2. On page 29, line 23, strike "29-2920" and insert "29-2920 (3)". On page 30, line 3, strike "29-2920" and insert "29-2920 (3)".

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 541. Title read. Considered.

Standing Committee amendment found in the Journal on page 1072 for the Forty-Eighth Day was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 360. Title read. Considered.

Standing Committee amendments, Req. #2066, found in the Journal on page 1087 for the Forty-Ninth Day were considered.

Mr. Warner offered the following amendment to the Standing Committee amendments:

1. In the Committee Amendments, on page 3, line 9, strike "to be credited to the Highway Cash Fund" and insert the following: "to be assessed by the Tax Commissioner and collected by the Department of Revenue or another state agency which may be contracted with to act as its agent for such purpose. All such penalties collected shall be deposited in the state treasury and by the State Treasurer credited to the Highway Cash Fund".

The amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 506. Title read. Considered.

Standing Committee amendments found in the Journal on page 1088 for the Forty-Ninth Day were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following amendment:
Req. #2331

1. Strike the original bill and all amendments thereto.

2. Insert new sections as follows:

"Section 1. As used in sections 1 to 3 of this act, unless the context otherwise requires:

(1) Cancer shall mean all malignant neoplasma regardless of the tissue of origin, including malignant lymphoma and leukemia;

(2) Smoking disease shall mean diseases whose causes are linked to smoking including, but not limited to, cardiovascular, pulmonary, and gastrointestinal diseases; and

(3) Director shall mean the Director of Health.

Sec. 2. There shall be appropriated each year from the General Fund to the Department of Health an amount equivalent to the estimated revenue derived from one cent of the cigarette tax imposed by section 77-2616, less any amount appropriated specifically to the

University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases. The director shall, after deducting expenses incurred in the administration of such funds, distribute such funds exclusively for grants and contracts to postsecondary institutions having colleges of medicine located in the State of Nebraska. Such grants and contracts shall be limited to research of cancer and smoking diseases.

Sec. 3. The director shall adopt and promulgate rules and regulations pursuant to Chapter 84, article 9 to:

(1) Establish an application process for grants and contracts;

(2) Establish criteria for programs in order to receive funding;

(3) Establish criteria as to the rates and amount of funding; and

(4) Establish other procedures as he or she may deem necessary for the proper administration of sections 1 to 3 of this act.

Sec. 4. That section 77-2602, Revised Statutes Supplement, 1980, be amended to read as follows:

77-2602. Every person, engaged in distributing or selling cigarettes at wholesale in this state, shall pay to the Tax Commissioner of this state a special privilege tax. This shall be in addition to all other taxes. It shall be paid prior to or at the time of the sale, gift, or delivery to the retail dealer in the several amounts as follows: On all cigarettes ~~thirteen~~ fourteen cents per package containing not more than twenty cigarettes, and on packages containing more than twenty cigarettes a tax of ~~thirteen~~ fourteen cents for the first twenty cigarettes and ~~thirteen~~ fourteen cents for each twenty cigarettes or fractional part thereof in excess of twenty cigarettes. The proceeds of ~~eight~~ nine cents of such tax shall be placed in the General Fund and the proceeds of the remaining five cents of such tax shall be distributed in the following order:

First, in each fiscal year beginning with the fiscal year commencing July 1, 1972, there shall be first transferred to the University of Nebraska at Lincoln Field House Fund, which is hereby created, the sum of two million four hundred thousand dollars, and the money in such fund shall be used to make the annual payments on the lease of the field house building constructed pursuant to the provisions of section 85-1,100. There is hereby appropriated two million four hundred thousand dollars from the Nebraska Capital Construction Fund for the fiscal year ending June 30, 1977, for the purposes stated in this subdivision;

Second, there shall be placed in the State Office Building Fund the sum of one million two hundred thousand dollars each year for fiscal years 1974-75, 1975-76, 1976-77, and 1977-78 and three million six hundred thousand dollars for each fiscal year beginning with 1978-79 through 1983-84. Such amounts are hereby appropriated and the unexpended balances existing in such fund at the end of each fiscal year through June 30, 1984, are hereby reappropriated;

Third, any unexpended balances existing on June 30, 1976, in the State Office Building at Omaha Fund are hereby reappropriated for the development of a program statement. Programs No. 991 of the University of Nebraska and No. 904 of the Department of Administrative Services are hereby merged into a single program within the Department of Administrative Services;

Fourth, there shall be placed in the Downtown Education Center and Office Rental Fund the sum of nine hundred sixty thousand dollars each year for fiscal years 1976-77 through 1983-84 and two million two hundred eighty thousand dollars each year for fiscal years 1984-85 and 1985-86. Such amounts are hereby appropriated and the unexpended balances existing in such fund at the end of each fiscal year through June 30, 1986, are hereby reappropriated;

Fifth, beginning July 1, 1980, the equivalent of one cent of such tax shall be placed in the Nebraska Outdoor Recreation Development Cash Fund. There shall be placed in such fund one million thirty thousand one hundred dollars for fiscal year 1979-80; and

Sixth, the balance of such proceeds shall be placed in a special fund to be known as the Nebraska Capital Construction Fund and disbursements from such fund shall be as the Legislature shall from time to time provide.

Sec. 5. That section 77-2616, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2616. There is hereby levied and imposed a tax upon the use of all cigarettes, as defined by section 77-2601, used in this state, except such cigarettes upon which the tax imposed by section 77-2602 has been paid. The amount of such use tax shall be as follows: On all cigarettes ~~thirteen~~ fourteen cents per package containing not more than twenty cigarettes, and on packages containing more than twenty cigarettes a tax of ~~thirteen~~ fourteen cents for the first twenty cigarettes, and ~~thirteen~~ fourteen cents for each twenty cigarettes or fractional part thereof in excess of twenty cigarettes. The tax collected shall be disbursed as provided in section 77-2602.

Sec. 6. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 7. That original section 77-2616, Reissue Revised Statutes of Nebraska, 1943, and section 77-2602, Revised Statutes Supplement, 1980, are repealed.".

Mr. Haberman asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

The Warner amendment was adopted with 26 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 16, 1981, at 11:20 a.m., were the following bills: 74, 44, 87, 271, and 173.

(Signed) Hazel Kaltenberger, Enrolling Clerk

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 226A. By Haberman, 44th District.
This bill introduced on behalf of: LB 226.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 226, Eighty-seventh Legislature, First Session, 1981.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 483.

GENERAL FILE

LEGISLATIVE BILL 266. Title read. Considered.

Standing Committee amendments found in the Journal on page 1089 for the Forty-Ninth Day were considered.

Mr. Wesely renewed his pending amendment to the Standing Committee amendments found in the Journal on page 1497.

The amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

MR. NICHOL PRESIDING

Mr. Vickers renewed his pending amendment found in the Journal on page 1495.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

The Vickers amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 266A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

SPEAKER MARVEL PRESIDING

VISITORS

Visitors to the Chamber were Fern, Karen, and Michael Shomberg, and Adam Stern from Lincoln; 51 fourth grade students and teachers from Jefferson School, Grand Island; Senator Fowler's mother, Dorothy Fowler and nephew, Luther Fowler; Mrs. Tom Miller from Hastings; 29 fourth grade students, teacher, and sponsors from Raymond Central School, Valparaiso; 23 eighth grade students, sponsors, and teacher from Osceola; the Delehantes from Rockbrook area; fourth grade students and teachers from Maywood and Seymour schools, Ralston; 30 juniors, seniors, and teacher from Weeping Water; 15 students and teacher from Firth; and Senator Rumery's grandson, Brian Phares.

RECESS

At 12:07 p.m., on a motion by Mrs. Labedz, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, DeCamp, Haberman, Hoagland, Koch, and Von Minden who were excused; and Messrs. Barrett, Burrows, Fitzgerald, Fowler, Goll, Maresh, Sieck, Vickers, and Mrs. Labedz who were excused until they arrive.

MOTION - Overrule Speaker's Agenda

Mr. Schmit moved to overrule the Speaker's agenda so as to consider LB 284.

Mr. Schmit asked unanimous consent to withdraw his motion. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 545. Title read. Considered.

Standing Committee amendments, Req. #2175, found in the Journal on page 1089 for the Forty-Ninth Day were adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Mr. L. Johnson offered the following amendment:
Req. #2219

1. Insert the following new sections:

"Sec. 17. That section 68-703, Revised Statutes Supplement, 1980, be amended to read as follows:

68-703. The powers and duties of the Director of Public Welfare are as follows:

(1) To administer the Department of Public Welfare as provided by law;

(2) To determine the general principles and

outline the operation of public assistance, child welfare, and related activities;

(3) To establish rules and regulations for efficiently administering the department and performing the duties assigned to it;

(4) To organize the department;

(5) To appoint and fix the salaries of all necessary staff for performance of the duties of the department and in compliance with the rules and regulations of the merit system;

(6) To consult and cooperate with the Department of Public Institutions and the Department of Correctional Services so as to coordinate in an effective manner the welfare activities of the department with those related activities affecting the welfare of persons in state institutions which are the responsibility of the Department of Public Institutions or the Department of Correctional Services;

(7) To consult and, under the general direction and guidance of the Adjutant General and the state Civil Defense Agency, to coordinate programs to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster;

(8) To take the official oath;

(9) To make ~~an annual report to the Governor and prepare a biennial budget for the department, and make~~ such ~~other~~ studies and reports as may be deemed necessary; and

(10) To provide such supervisory services as may be required to determine that county departments of public welfare are fulfilling their administrative duties in compliance with the statutes of Nebraska and state regulation.

The director shall be bonded under the blanket surety bond required by section 11-201.

Sec. 23. That section 71-4609, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4609. (1) The department is hereby charged with the administration of the provisions of sections 71-4601 to 71-4620. The department may adopt, amend, alter, or repeal general rules and regulations of procedure for (a) administering the provisions of sections 71-4601 to 71-4620, (b) the issuance of seals, (c) the submission of plans and specifications of mobile homes and recreational vehicles, (d) obtaining statistical data respecting the manufacture and sale of mobile homes and recreational vehicles, and (e) prescribing means, methods, and practices to make effective such provisions.

(2) The department shall appoint an advisory committee of seven members which shall have the authority to review the rules, regulations, and standards of the department pertaining to mobile homes and recreational vehicles and to recommend changes relative thereto. The committee shall represent a cross section of those having an extensive interest in mobile home or recreational vehicle body and frame design, construction, or plumbing, heating, or electrical systems. The committee shall serve at the pleasure of the department. ~~and shall submit an annual report to the department.~~

(3) The department shall refuse to issue a seal to any manufacturer or other person for any mobile home or recreational vehicle found to be not in compliance with departmental standards governing body and frame design, construction, or plumbing, heating, or electrical systems for mobile homes or recreational vehicles or for which fees have not been paid. Except in case of failure to pay the required fees, any such manufacturer or other person may request a hearing before the department on the issue of such refusal. Procedures for notice and opportunity for a hearing before the department shall be pursuant to the provisions of Chapter 84, article 9, and continued departmental refusal subsequent to such a hearing shall also be subject to review pursuant to such provisions.

(4) The issuance of seals may be suspended or revoked as to any manufacturer or other person who has not complied with any provision of sections 71-4601 to 71-4620 or with any rule, regulation, or standard adopted under sections 71-4601 to 71-4620 or who is convicted of violating section 71-4608, and issuance of the seals shall not be resumed until such manufacturer or other person submits sufficient proof that the conditions which caused the lack of compliance or the violation have been remedied. Any manufacturer or other person may request a hearing before the department on the issue of such suspension or revocation. Procedures for notice and opportunity for a hearing before the department shall be pursuant to the provisions of Chapter 84, article 9, and continued departmental suspension or revocation subsequent to such a hearing shall also be subject to review pursuant to such provisions.".

2. On page 62, line 7 after "71-3708," insert "71-4609,"; in line 10 after "68-618," insert "68-703,"; and in line 19 after "71-1,107.22," insert "71-3830,".

3. Renumber remaining sections accordingly.

The amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 252. Title read. Considered.

Standing Committee amendments, Req. #2215, found in the Journal on page 1120 for the Fiftieth Day were adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

MR. NICHOL PRESIDING

Mr. Goodrich moved to indefinitely postpone LB 252.

SPEAKER MARVEL PRESIDING

Mr. Wiitala moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

The Goodrich motion to indefinitely postpone LB 252 lost with 6 ayes, 30 nays, 7 present and not voting, and 6 excused and not voting.

Mr. Vickers offered the following amendment:
On pg. 6 strike lines 9 and 10 and insert: "The beneficial uses to be made of the proposed interbasin transfer"
Strike lines 13 and 14 on Pg 6.

MR. NICHOL PRESIDING

Mr. Dworak requested a division of the question on the Vickers' amendment.

The Chair sustained the division.

The first amendment is as follows:

(1)

On pg. 6 strike lines 9 and 10 and insert: "The beneficial uses to be made of the proposed interbasin transfer"

Mr. Vickers moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Vickers requested a roll call vote on his first amendment.

Voting in the affirmative, 12:

Fitzgerald
Goodrich
Hefner
Kahle
Kremer
Landis
Maresh
Marsh
Marvel
Sieck
Vickers
Warner

Voting in the negative, 26:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Dworak
Fowler
Goll
Higgins
Johnson, L.
Johnson, V.
Kilgarin
Lamb
Newell
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Stoney
Wagner
Wesely
Wiitala

Present and not voting, 4:

Fenger
Labedz
Nichol
Pirsch

Excused and not voting, 6:

Clark
DeCamp
Haberman
Hoagland
Koch
Von Minden

Absent and not voting, 1:

Cullan

The Vickers amendment (1) lost with 12 ayes, 26 nays, 4 present and not voting, 6 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

The second amendment is as follows:
Amend LB 252 by striking lines 13 and 14 on Pg 6.

SPEAKER MARVEL PRESIDING

Mr. Nichol asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Vickers requested a record vote on his second amendment.

Voting in the affirmative, 10:

Hefner
Kahle
Kremer
Landis
Maresh
Marsh
Marvel
Sieck
Vickers
Warner

Voting in the negative, 23:

Barrett
Beutler
Beyer
Carsten
Chronister
Cope
Dworak
Fitzgerald
Fowler
Goll
Higgins
Johnson, L.
Kilgarin
Lamb
Newell
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Stoney
Wagner
Wiitala

Present and not voting, 8:

Burrows
Chambers
Fenger
Goodrich
Johnson, V.
Labedz
Pirsch
Wesely

Excused and not voting, 8:

Clark
Cullan
DeCamp
Haberman
Hoagland
Koch
Nichol
Von Minden

The Vickers amendment (2) lost with 10 ayes, 23 nays, 8 present and not voting, and 8 excused and not voting.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 16, 1981, at 2:25 p.m., was the following bill: 483.

(Signed) Hazel Kaltenberger, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

April 16, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 44, 74, 87, 271 and reengrossed Legislative Bill 483 were received in my office today.

These bills were signed by me today, April 16, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:pp

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LB 404 in the Journal. No objections. So ordered.

Amendments to Committee Amendments to LB 404

1. In the committee amendments, on page 2, line 5, after "71-5002" insert "for mental health regions, except that Regions III and V may each be divided into two planning and service areas with boundaries as established by the Nebraska Commission on Aging for planning and service areas in existence in those regions on July 1, 1981"; and in lines 7 and 26 strike "21" and insert "22".

2. In the committee amendments, on page 3, line 1, strike "23" and insert "24".

3. Strike committee amendments 10, 15, and 16.

4. Insert new sections as follows:

"Sec. 19. (1) The Department on Aging shall establish minimum qualifications of education, training, and experience for the chief executive officers of the area agencies on aging.

(2) Each area agency on aging governing unit shall establish written policies and procedures for the selection, appointment, and annual performance rating of its chief executive officer and staff.

Sec. 26. In the event of documented malfeasance on the part of any area agency on aging in the administration of its area plan, and the failure of the governing unit of the area agency to take corrective action within a reasonable time, the director shall, with the approval of a majority of the members of the commission, terminate funding to the area agency governing unit by disapproving the area plan for that area agency on aging.".

5. On page 10, line 12, strike "Employ" and insert "In accordance with the provisions of section 19 of this act, employ"; and in line 19 strike "necesssary" and insert "necessary".

6. On page 15, line 1, strike "25" and insert "28"; and in line 4 strike "ending " and insert "beginning

after''.

7. Renumber original sections 4 to 9, 10 to 12, 14 to 17, 18 to 23, and 24 to 26 as sections 3 to 8, 12 to 14, 15 to 18, 20 to 25, and 27 to 29, respectively.

Mr. Newell asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

Strike the original contents of LB 284 and all amendments thereto and insert the following:

Section 1. (1) There is hereby created a fund to be known as the Property Tax Relief Fund. The Property Tax Relief Fund shall contain such amounts as may be appropriated by the Legislature.

(2) It is the intent of the Legislature that for fiscal year 1980-81 there shall be appropriated to the Property Tax Relief Fund seventy million dollars and for ensuing fiscal years there shall be appropriated to the Property Tax Relief Fund an amount not less than the amount appropriated for the prior fiscal year.

(3) The money shall be distributed on the basis of the ratio of the total amount of all property taxes, including motor vehicle taxes, levied in the particular county during the prior calendar year to the total amount of all property taxes, including motor vehicle taxes, levied in all counties during the prior calendar year, based on the amounts stated in the certificate of taxes levied statement submitted by each county to the State Board of Equalization and Assessment pursuant to section 77-628.

Within ten days after the adjournment of each regular session of the Legislature the Tax Commissioner shall notify each county treasurer of the amount to be received by that county during the ensuing fiscal year from the Property Tax Relief Fund, and shall at the same time notify the State Treasurer of the amount to be received by every county during the ensuing fiscal year.

Sec. 2. The money in the Property Tax Relief Fund shall be distributed to the counties in ten as nearly as possible equal monthly payments, between the fifth and twentieth day of each month beginning September, 1980, and each September thereafter. For fiscal year 1980-81, the fund shall be distributed according to the same schedule except that any monthly payments not made prior to the effective date of this act shall be added to the initial payment made following the effective date of this act. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of payments to be made to each county. The Director of

Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated. Out of the amount so received, the county treasurer shall retain one per cent thereof and then shall distribute the remainder to each of the taxing agencies within his or her county on a prorated basis as set forth in section 3 of this act.

Sec. 3. (1) Upon receipt of the information from the Tax Commissioner pursuant to section 1 of this act, the county treasurer shall within ten days notify each political subdivision receiving funds pursuant to this section of the percentage and amount of funds that each political subdivision shall receive. The county treasurer shall determine the amount of money to be received by each political subdivision within the county, including the county itself, which caused a property tax to be levied during the prior calendar year. The amount to be received by each political subdivision shall be a portion of the amount available for distribution by the county treasurer equivalent to a percentage figure obtained by dividing the amount of property tax levied within the county by the political subdivision during the prior calendar year by the total amount of property taxes levied within the county by all political subdivisions during the prior calendar year.

(2) If two or more political subdivisions within a county are merged, the share such newly merged political subdivision shall receive shall be the sum of the receipts each individual political subdivision would have received had there been no merger.

(3) If any portion or portions of a political subdivision is transferred to another political subdivision or subdivisions, the acquiring political subdivision or subdivisions shall receive a portion of the other subdivision's receipts which would have been received by the other subdivision if there had not been a transfer. The portion to be received shall be equal to the ratio of the total taxable value for the prior calendar year of the portion transferred divided by the total taxable value for the prior calendar year of the entire political subdivision including that portion transferred.

(4) If any political subdivision which has levied a property tax during the prior calendar year does not levy a tax during the ensuing calendar year, then the county treasurer shall recalculate all percentages determined pursuant to this section as if such political subdivision had not levied any property tax during the prior calendar year.

(5) It is the intent of the Legislature that any

political subdivision levying a property tax which has not levied a property tax during the prior calendar year shall not receive any funds pursuant to this act.

Sec. 4. That sections 77-3601 to 77-3604, Revised Statutes Supplement, 1980, are repealed.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 113, 331, and 478.

Correctly Engrossed

The following bills were correctly engrossed: 241, 298, 327, 328, and 486.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Change to LB 113

The following change required to be reported for publication in the Journal, has been made:

On page 2, line 3, "22" has been stricken and "21" inserted.

Enrollment and Review changes to LB 298

The following changes, required to be reported for publication in the Journal, have been made:

1. In new section 3, lines 9 and 11, "city" has been stricken and "municipality" inserted;
2. Section 3 added by the Sieck amendment has been renumbered as section 4 and original section 4 has been renumbered as section 5;
3. In lieu of previous amendments, on page 6, line 24, "and 19-903" has been stricken and ", 15-902, 19-902, and 84-155" has been inserted;
4. In the title, line 3 as amended, "and 19-903" has been stricken and ", 15-902, 19-902, and 84-155" has been inserted; and
5. Koch amendment 2 has been stricken.

Enrollment and Review Changes to LB 328

The following changes, required to be reported for publication in the Journal, have been made:

1. In line 2 of the title, "relating to the Nebraska Commission on Law Enforcement and Criminal Justice;" has been inserted after "ACT"; and "section 81-1425, Reissue Revised Statutes of Nebraska, 1943, and" has been inserted after "amend"; in line 3 "and 81-1833" has been stricken and "81-1833, 83-945, and 83-950" has been inserted; beginning with the second comma in line 4 through "board" in line 6 has been stricken and "; to make the Crime Victim's Reparations Board and the Jail Standards Board" has been inserted; in line 9 "and" has been stricken; and in line 10, "; and to declare an emergency" has been inserted after "sections";

2. In line 2 of E & R 2, the first "the" has been stricken and "an" has been inserted; and after the semicolon "to provide an operative date;" has been inserted.

Enrollment and Review Change to LB 331

The following change, required to be reported for publication in the Journal, has been made:

In the Schmit amendment 2, adopted 4/14, line 7, "receipts" has been stricken and "recipes" has been inserted.

Enrollment and Review Changes to LB 478

The following changes, required to be reported for publication in the Journal, have been made:

Because of the DeCamp, et al amendment adopted 4/14,81, all previous amendments, excepting only S. C. amendment and the E & R amendment, together with the E & R statement found on page 1360 of the Journal, have been stricken.

(Signed) Emory P. Burnett
E & R Attorney

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 248A. By Fowler, 27th District.
This bill introduced on behalf of: LB 248.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 248, Eighty-seventh Legislature, First Session, 1981.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Maresh asked unanimous consent to have his name added to LB 118. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendments to LB 252 in the Journal. No objections. So ordered.

(1)

p. 6 - strike lines 20 to 23 and insert "The application shall be approved unless the benefits to the state from denying the application outweigh the benefits to the state from granting the application."

(2)

page 6 - Add a new subsection (2) as follows:

(2) Any adverse impacts upon the basin requesting the water if the application is denied. Renumber subsections (2), (3), (4), (5) & (6) as (3), (4), (5), (6), & (7).

VISITORS

Visitors to the Chamber were 4 fourth grade students and teacher from Douglas Community School, Douglas; 44 fourth grade students and teachers from Clarkson Elementary, Fremont; 20 fourth grade students and teacher from Pleasanton Elementary, Pleasanton; and Senator Wesely's cousin, Judy Irons, and mother, Mrs. Raymond Wesely.

ADJOURNMENT

At 4:09 p.m., on a motion by Mr. Kahle, the Legislature adjourned until 9:00 a.m., Thursday, April 23, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SIXTH DAY - APRIL 23, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE FIRST SESSION

SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 23, 1981

Pursuant to adjournment, the Legislature met at 9:06 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Pastor Orin Graff, United Presbyterian Church, North Bend, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, Messrs. Cullan, Fowler, Newell, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Fifth Day was approved.

MESSAGE FROM THE GOVERNOR

April 17, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 173 was received in my office this week. This bill was signed by me on April 16, 1981 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 95. Placed on Select File as amended.
E & R amendments to LB 95:

1. On page 11, line 2, insert "Nebraska" after "the".
2. On page 28, line 6, strike the comma; and in line 15 insert an underscored comma after "shall".
3. In the Cullan amendment 1, line 14, strike "will" and insert "shall"; in line 19 insert "that" after "certify"; and in line 22 strike ", R.R.S. 1943".
4. On page 29, insert an underscored comma after "shall" in line 1 and "attorney" in line 2; and in line 12 strike the comma.
5. In lieu of committee amendment to page 30, line 23, in line 22 of that page, strike "29-2203,".
6. In the title, line 3, strike "29-2203,"; in lines 10 and 11 strike "to provide definitions;"; and in line 11, strike "establish" and insert "change".

LEGISLATIVE BILL 541. Placed on Select File.

LEGISLATIVE BILL 360. Placed on Select File as amended.
E & R amendments to LB 360:

1. Renumber the section added by S.C. 2 as section 2.
2. In the title, line 2, strike "66-441" and insert "66-410.03, 66-441,"; in line 10 insert "to change penalty provisions;" after the semicolon; and in line 11 insert ", and also sections 66-504 and 66-634, Reissue Revised Statutes of Nebraska, 1943" after "sections".

LEGISLATIVE BILL 506. Placed on Select File as amended.
E & R amendments to LB 506:

1. In numbered line 2 of the Warner amendments, strike "bill" and insert "sections".
2. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT to amend section 77-2616, Reissue Revised Statutes of Nebraska, 1943, and section 77-2602, Revised Statutes Supplement, 1980, relating to the cigarette tax; to increase the tax; to provide for appropriation and expenditure of an amount equivalent to the increased revenue; to".

LEGISLATIVE BILL 266. Placed on Select File as amended.
E & R amendment to LB 266:

1. In the title, line 4, insert "; to amend section 81-502, Reissue Revised Statutes of Nebraska, 1943; to permit rather than mandate delegation of duties as prescribed; and to repeal the original section" after "prescribed".

LEGISLATIVE BILL 266A. Placed on Select File.

LEGISLATIVE BILL 545. Placed on Select File as amended.
E & R amendments to LB 545:

1. Renumber sections as follows: sections 17 and 23, added by the L. Johnson amendments as 19 and 25; sections 30 and 36 added by committee amendments as 32 and 38; original sections 17 to 21 as 20 to 24; original sections 22 to 27 as 26 to 31; original sections 28 to 32 as 33 to 37; and original sections 33 to 46 as 39 to 52.
2. In the title, line 3, insert "24-215," after the first comma and "49-14,123," after the fourth comma; in line 4 insert "71-4609," after the third comma; in line 5 insert "81-1118.02, 82-102," before "and"; in line 8 insert "68-703," after the fourth comma; in line 19 strike "48-166," and insert "54-844," at the end of the line; in line 20, strike "82-102,"; in line 24 insert "71-3830," before "72-1256,"; in line 25 insert "81-1108.19, 81-1244," before "81-1349" and insert "and" at the end of the line; and in line 26 strike "and 85-911,".

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 132.

Correctly Engrossed

The following bills were correctly engrossed: 35, 249, and 477.

(Signed) Karen Kilgarin, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 60.

Introduced by Koch, 12th District; Wagner, 41st District.

WHEREAS, Law Day on May 1 is a day to recognize that respect for law and order depends on enlightened citizens and Law Day presentations in schools throughout the state and nation can help students and adults become enlightened citizens by teaching them the meaning of America's freedoms.

WHEREAS, the exercise of freedom of speech allows a person to present his or her points of view and ideas without imposing these views and ideas on others; and

WHEREAS, Senator Ernest Chambers is the scheduled speaker at the Ord, Nebraska, Law Day school program on May 1.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature acknowledges and commends the efforts of the Valley County Bar Association, the Ord Board of Education, the residents of Ord, students, the Profession of Education, and Senator Ernest Chambers for their planning, organizing, and participation in the Law Day program at the Ord Public Schools.
2. That the Legislature extends best wishes for a successful Law Day program in the Ord Public Schools.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 57, LR 58, and LR 59.

MOTION - Pass Over LR 56

Mr. Koch asked unanimous consent to pass over LR 56.

Mr. Hefner objected.

Mr. Koch moved to pass over LR 56.

Mr. Hefner withdrew his objection.

Mr. Koch asked unanimous consent to withdraw his motion. No objections. So ordered.

Mr. Koch asked unanimous consent to pass over LR 56. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 58.

A BILL FOR AN ACT relating to virgin prairie; to authorize any state agency or political subdivision to sell such property as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 1:

Warner

Excused and not voting, 4:

Cullan
Fowler
Newell
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 283.

A BILL FOR AN ACT to amend sections 21-1303, 21-1402, 21-1403, 21-1404, 21-1405, and 21-1406, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to change certain provisions relating to stock and nonstock cooperatives; to provide powers and duties; and to repeal the original sections, and also sections 21-1409 and 21-1413, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Beyer

Excused and not voting, 2:

Cullan
Fowler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 491. With Emergency.

A BILL FOR AN ACT to amend section 16-716, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to change provisions relating to maximum deposits of city funds; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.

Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Goodrich

Excused and not voting, 2:

Cullan
Fowler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 252. Title read. Considered.

Mr. Vickers renewed his pending amendment (1) found in the Journal on page 1526.

Mr. Vickers requested a record vote.

Voting in the affirmative, 13:

Haberman
Hefner
Kahle
Kremer
Landis
Maresh
Marsh
Marvel
Sieck
Vickers
Von Minden
Warner
Wiitala

Voting in the negative, 24:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
Dworak
Goll
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Lamb
Peterson, H.
Remmers
Rumery
Schmit
Stoney
Wagner
Wesely

Present and not voting, 12:

Chambers
DeCamp
Fenger
Fitzgerald
Fowler
Goodrich
Koch
Labedz
Newell
Nichol
Peterson, R.
Pirsch

The Vickers amendment lost with 13 ayes, 24 nays, and 12 present and not voting.

Mr. Vickers asked unanimous consent to withdraw his pending amendment (2) found in the Journal on page 1526. No objections. So ordered.

Messrs. Lamb and Wagner offered the following amendment:

1. On page 6, strike lines 11 through 14; in line 15 strike "(5)" and insert "(3)"; in line 18 strike "(6)" and insert "(4)"; in line 20 after "if" insert "(a)"; and in line 23 after "application" insert ", or (b) there are present or reasonably foreseeable future beneficial uses for the water in the basin of origin".

2. In the committee amendments, page 2, line 2 strike "(7)" and insert "(5)".

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Koch moved the previous question. The question is "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lamb requested a record vote on the Lamb-Wagner amendment.

Voting in the affirmative, 13:

Carsten
Chronister
Clark
Cullan
Dworak
Goll
Johnson, L.
Lamb
Peterson, H.
Peterson, R.
Remmers
Schmit
Wagner

Voting in the negative, 20:

Beutler
Burrows
Cope
Haberman
Hefner
Hoagland
Kahle
Koch
Kremer
Landis
Maresh
Marvel
Rumery
Sieck
Stoney
Vickers
Von Minden
Warner
Wesely
Wiitala

Present and not voting, 15:

Barrett
Beyer
Chambers
DeCamp
Fenger
Fitzgerald
Fowler
Goodrich
Higgins
Johnson, V.
Kilgarin
Labedz
Newell
Nichol
Pirsch

Excused and not voting, 1:

Marsh

The Lamb-Wagner amendment lost with 13 ayes, 20 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 28 ayes, 7 nays, 13 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 252 in the Journal. No objections. So ordered.

1. On page 6, after line 10, insert:
"(3) The beneficial uses to be made of the proposed interbasin transfer of water;";
in line 11, strike "(3)" and insert "(4)"; in line 13 strike "(4)" and insert "(5)"; after line 14, insert
"(6) Any adverse impacts in the basin to which the water will be transferred if the application is denied;";
in line 15, strike "(5)" and insert "(7)"; and in line 18, strike "(6)" and insert "(8)".
2. In the Committee amendments, on page 2, line 2, strike "(7)" and insert "(9)".

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 118. Placed on General File as amended. Standing Committee amendments to LB 118:
Req. #2333

1. Strike the original sections and insert:

"Section 1. That Laws 1980, LB 759, section 1, be amended to read as follows:

'Section 1. The Governor of Nebraska is hereby authorized and directed to execute a compact on behalf of the State of Nebraska with the States of Iowa, Missouri, ~~and~~ Kansas, and other states having an interest in the promotion of barge traffic on the Missouri River legally joining therein, in form substantially as follows:

ARTICLE I

The purposes of this compact are to provide for the most efficient use of the waters of the Missouri

River; to increase the amount of barge traffic on the Missouri River which flows along or through the compact states; to take necessary steps to develop the Missouri River and its banks to handle more barge traffic than is presently handled; to encourage the use of barges on the Missouri River for transporting bulk goods, especially farm commodities; and to promote joint action between the compact parties to accomplish the above purposes.

ARTICLE II

It shall be the responsibility of the ~~four~~ compact states to accomplish the purposes in Article I through the official in each state who is now or may hereafter be charged with the duty of administering the public waters and to collect and correlate through such officials the data necessary for the proper administration of the compact. Such officials may, by unanimous action, adopt rules and regulations to accomplish the purposes of this compact. To render advice and make recommendations to the Nebraska official charged with administration of this compact, the Governor of Nebraska shall appoint an advisory committee to be composed of three individuals with a demonstrated interest in barge transportation. Members of the advisory committee shall serve terms of three years and may be reappointed. Members shall receive no compensation, but shall be reimbursed for their actual and necessary expenses incurred in performing their official duties as provided in sections 84-306.01 to 84-306.05 for state employees.

ARTICLE III

The states of Iowa, Missouri, Kansas, ~~and~~ Nebraska, and other states having an interest in the promotion of barge traffic on the Missouri River agree that within a reasonable time they shall fulfill the obligations of this compact and that each shall authorize the proper official or agency in its state to take the necessary steps to promote the use of barges and develop the Missouri River for greater amounts of barge traffic.

ARTICLE IV

Nothing in this act shall be construed to limit the powers granted in any other act to enter into interstate or other agreements relating to the Missouri River, nor alter the relations between the respective internal responsibilities of the government of a party state and its subdivisions; or impair or affect any rights, powers, or jurisdiction of the United States, or those acting by or under its authority, in, over, and to the waters of the Missouri River.

ARTICLE V

Unless this compact is entered into on or before

July 1, ~~1981~~ 1984, the Governor shall take no further action to execute the compact.'.

Sec. 2. That the title, Laws 1980, LB 759, be amended to read as follows:

'FOR AN ACT to direct the Governor to enter into a compact with Iowa, Missouri, ~~and~~ Kansas, and other states having an interest in the promotion of barge traffic on the Missouri River; to develop the Missouri River for more barge traffic and to promote the use of barges on the Missouri River.'.

Sec. 3. That original Laws 1980, LB 759, section 1, and the title thereto is repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.''.

2. In the title, strike lines 2 to 7 and insert:

''FOR AN ACT to amend Laws 1980, LB 759, section 1, and the title thereto; to permit additional states to execute the Missouri River Barge Traffic Compact; to extend the time for execution of the compact; to repeal original Laws 1980, LB 759, section 1, and the title thereto; and to declare an emergency.''.

(Signed) Richard Maresh, Chairperson

MOTION - Print in Journal

Mr. Newell moved to withdraw LB 555.

Laid over.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

Confirmation hearing on the appointments of
Gretchen Gottschalk, Lincoln, Nebraska
Lloyd W. Kilmer, Omaha, Nebraska
to the Public Employees Retirement Board
Tuesday April 28, 1981 1:00 p.m.

(Signed) Steve Fowler, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. NICHOL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 326. Title read. Considered.

Mr. Kremer renewed his pending amendment found in the Journal on page 1362.

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Kremer renewed his pending amendment found in the Journal on page 1410.

The amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Wagner renewed his pending amendment found in the Journal on page 1468.

The amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 34 ayes, 1 nay, 13 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 394. Title read. Considered.

Standing Committee amendments, Req. #2240, printed separate found in the Journal and referred to on page 1159 for the Fifty-Second Day were considered.

Mr. Maresh offered the following amendment to the Standing Committee amendments:

(1)

1. On page 1, line 12, after "except that" insert "the weekly benefit amount of"; and in line 13 strike "receive" and insert "be".

The amendment was adopted with 21 ayes, 0 nays, 27 present and not voting, and 1 excused and not voting.

Mr. Maresh offered the followng amendment to the Standing Committee amendments:

(2)

Req. #2324

1. On page 17, strike beginning with "The" in line 8 through line 25 and insert: "For calendar year 1983 the rate shall be determined according to the following schedule:

Rate Schedule

Positive Reserve Ratio	Contribution Rate
10.5% and above	0.1%
10.0%, but less than 10.5%	0.2%
9.5%, but less than 10.0%	0.3%
9.0%, but less than 9.5%	0.5%
8.5%, but less than 9.0%	1.0%
8.0%, but less than 8.5%	1.5%
7.5%, but less than 8.0%	2.0%
7.0%, but less than 7.5%	2.5%
less than 7.0%	2.7%
Negative Reserve Ratio	**Contribution Rate**
0.1%, but less than 1.0%	2.9%
1.0%, but less than 2.0%	3.1%
2.0%, but less than 3.0%	3.3%
3.0%, but less than 4.0%	3.5%
4.0% or more	3.7%

For calendar year 1984 and each year thereafter the rate shall be determined according to the following schedule:

Rate Schedule

Positive Reserve Ratio	Contribution Rate
10.0% and above	0.1%
9.5%, but less than 10.0%	0.2%
9.0%, but less than 9.5%	0.3%
8.5%, but less than 9.0%	0.5%
8.0%, but less than 8.5%	1.0%
7.5%, but less than 8.0%	1.5%
7.0%, but less than 7.5%	2.0%
6.5%, but less than 7.0%	2.5%
less than 6.5%	2.7%
Negative Reserve Ratio	**Contribution Rate**
0.1%, but less than 1.0%	2.9%
1.0%, but less than 2.0%	3.1%
2.0%, but less than 3.0%	3.3%
3.0%, but less than 4.0%	3.5%
4.0% or more	3.7%.".

2. On page 21, line 27, strike "effective date of this act" and insert "operative date of this section".

3. On page 22, lines 10 and 11 strike "effective date of this act" and insert "operative date of this section"; and in lines 12 and 13 strike "sections 48-627 and 48-649" and insert "section 48-627".

4. Insert new sections as follows:

"Sec. 7. Sections 5 and 9 of this act shall become operative on January 1, 1983, the remaining sections shall become operative on their effective date.

Sec. 9. That original section 48-649, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

5. Renumber original sections accordingly.

SPEAKER MARVEL PRESIDING

Mrs. Marsh asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Maresh amendment (2) to the Standing Committee amendments was adopted with 28 ayes, 3 nays, 17 present and not voting, and 1 excused and not voting.

Amendments pending.

UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused Friday, April 24, 1981. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 134 in the Journal. No objections. So ordered.

1. On page 5, after line 5 insert:

"(12) A candidate for the office of member of the Legislature and candidate committees thereof shall not accept contributions from corporations, labor organizations, or industry, trade, or professional associations which in the aggregate exceed ten thousand dollars from the thirty-sixth day after the general election in the candidate's district to the thirty-fifth day after the next general election in such district."; and in line 6 strike "(12)" and insert "(13)".

Mr. Vickers asked unanimous consent to print the following amendment to LB 400 in the Journal. No objections. So ordered.

1. On page 2, line 17, after the period insert "Each board may establish peak load pricing schemes, except that such schemes shall be based upon the coincidence of the

purchaser's purchases with the district's system peak demand and shall not be based upon the purchaser's peak demand when the purchaser's peak demand is not coincident with the district's system peak demand."

RESOLUTION

LEGISLATIVE RESOLUTION 61.

Introduced by Wagner, 41st District.

PURPOSE:
The purpose and intent of this study is to clarify statutes relating to per diem allowance for all public officers and employees and make necessary suggestions which resolve any problems or conflicting sections of law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 40 students and teachers from Juniata; 34 students, teacher, and sponsors from Prairie Lane School, Omaha; 40 students and sponsors from rural schools of Stanton County; 16 students and teacher from Fairmont High School; 38 students and teachers from Stoddard School, Beatrice; Mon Khamis from Sidney, Australia; 5 students representing the University of Nebraska A.S.U.N.; and 83 students, including Miss Chris Andreasen, Mrs. Higgins' niece, and sponsors from Central High School, Omaha.

RECESS

At 12:03 p.m., on a motion by Mr. Remmers, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mesdames Higgins and Marsh who were excused; and Messrs. Barrett, Chronister, Cullan, Fowler, V. Johnson, Koch, and Schmit who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 232. Title read. Considered.

Standing Committee amendments, Req. #2313, printed separate from the Journal and referred to on page 1505 for the Sixty-Fifth Day were adopted with 28 ayes, 2 nays, 10 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 160. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 161. Title read. Considered.

Standing Committee amendment found in the Journal on page 1457 for the Sixty-Third Day was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 557. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 558. Title read. Considered.

Mr. Wesely offered the following amendment:

Purpose: To reduce the recommended appropriation for the Legislative Research Division by $42,324 General Funds in order to eliminate the legislative internship program and to provide earmarking language specifying that no appropriation is provided for such purpose.

Amendment: On page 3, in lines 4 and 5, strike "1,302,297" and insert "1,259,973"; in line 7, strike "$1,003,226" and insert "$963,550", and after line 12, insert:

> "There is not included in the appropriation to this program funds for a legislative internship program."

On page 4, in lines 22 and 23, strike "5,314,810" and insert "5,272,486".

Mr. Wesely asked unanimous consent to withdraw his amendment. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 559. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 11 in the Journal. No objections. So ordered.

(White Copy Request 2296)

1. On page 4, line 5, strike the second comma and insert "~~,~~and"; in line 8 after "Nebraska" insert an underscored period; and strike beginning with the comma in line 8 through the period in line 10 and show the old matter as stricken.
2. On page 9, line 8, strike "Department of Agriculture", show as stricken, and insert "board"; in line 9 strike "shall" and insert "may"; and in line 12 after the period insert "The board shall not purchase, construct, or otherwise obtain title to its own administrative office, but shall be limited to leasing state or commercial office space.".
3. On page 14, after line 6 insert a new subsection as follows:

"(7) The board may transfer staff of the Division of Wheat Development, Utilization, and Marketing to the Nebraska Wheat

Development, Utilization, and Marketing Board on the effective date of this act. Any individual so transferred shall not lose any sick or vacation leave or other benefits or vested rights acquired while employees of such division as a result of such transfer.''.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 213 in the Journal. No objections. So ordered.

(Amendments to Standing Committee Amendments)

Req. #2335

1. Insert the following new sections:

''Sec. 7. The court which tried and acquitted any person who, as of the effective date of this act stands committed to a regional center in consequence of the insanity or derangement which was the ground of the acquittal, shall have subject matter jurisdiction over such person for disposition consistent with the provisions of section 29-2203 and sections 3 to 5 of this act.

Sec. 8. All pleadings, evidence admitted, orders, judgements and memoranda of findings and conclusions made in the proceedings held pursuant to sections 3 to 5 of this act shall be made a part of the official record of the underlying criminal case. The court may direct that the medical and psychiatric records not received into evidence at such proceedings be kept confidential and not be available for public inspection.''.

2. Renumber remaining sections accordingly.

3. Strike amendment 2.

GENERAL FILE

LEGISLATIVE BILL 560. Title read. Considered.

Mr. V. Johnson offered the following amendment:

1. PURPOSE: To provide for no increase in General Funds for the University of Nebraska Central Administration.

AMENDMENT

On page 21, in line 2, strike ''2,319,073'' and insert ''2,055,802''; in line 4, strike ''2,557,977'' and insert ''2,294,706''.

On page 23, in line 18, strike ''2,319,073'' and insert ''2,055,802''; in line 22, strike ''222,125,613'' and insert ''221,862,342''.

Mr. V. Johnson requested a record vote.

Voting in the affirmative, 6:

Burrows
Hoagland
Johnson, V.
Landis
Newell
Wiitala

Voting in the negative, 25:

Barrett
Beyer
Carsten
Clark
Cope
DeCamp
Dworak
Fenger
Fowler
Goodrich
Hefner
Johnson, L.
Kahle
Kilgarin
Koch
Lamb
Maresh
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Stoney
Von Minden
Warner

Present and not voting, 14:

Beutler
Chambers
Chronister
Fitzgerald
Goll
Haberman
Kremer
Labedz
Marvel
Nichol
Pirsch
Vickers
Wagner
Wesely

Excused and not voting, 4:

Cullan
Higgins
Marsh
Schmit

The V. Johnson amendment lost with 6 ayes, 25 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 3 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 561. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 163. Title read. Considered.

Standing Committee amendments found in the Journal on page 1457 for the Sixty-Third Day were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 562. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

Governor's Appointments
Environmental Control Council - May 7, 1981 1:00 p.m.
Carl Swanson
Ted Regier

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 466 in the Journal. No objections. So ordered.

Req. #2328

1. On page 3, line 1, strike "and"; and in line 6 before the period insert "; and (12) performing an abortion upon a minor without having satisfied the notice requirements of section 3 of this act".

2. Insert the following new section:

"Sec. 3. (1) Except as provided in this section, no physician shall perform an abortion upon a minor without first having given at least twenty-four hours actual notice to one of the parents or the legal guardian, if any, of the minor as to the intention to perform such abortion. If such parent or guardian cannot be notified after a reasonable effort, the notice requirements of this section may be satisfied by sending notice to such parent or legal guardian by certified mail to the last-known address of such parent or guardian at least forty-eight hours prior to the performance of such abortion, computed from the time of mailing.

(2) The district court or any judge thereof in the county in which the minor resides or the abortion is to be performed or, in the absence from the county of such district judge the county court or a judge thereof, shall, upon it appearing satisfactorily to the court or judge by the affidavit or testimony of the petitioning minor that the minor is mature enough to make the abortion decision independently or that notification would not be in the minor's best interests, waive the notice requirements of subsection (1) of this section. The court shall expedite all proceedings filed by a minor pursuant to this subsection and shall render a decision within twenty-four hours of the initial proceeding on

such petition.

(3) This section shall not apply when an emergency situation exists such that continuation of the pregnancy provides an immediate threat and grave risk to the life or health of the pregnant minor and the attending physician so certifies by affidavit.".

3. In the committee amendment on page 9, line 9, strike "3" and insert "4".

Mr. Newell asked unanimous consent to print the following amendment to LB 560 in the Journal. No objections. So ordered.

1. PURPOSE: To provide for no increase in General Funds for the University of Nebraska Central Administration.

AMENDMENT

On page 21, in line 2, strike "2,319,073" and insert "2,055,802"; in line 4, strike "2,557,977" and insert "2,294,706".

On page 23, in line 18, strike "2,319,073" and insert "2,055,802"; in line 22, strike "222,125,613" and insert "221,862,342".

2. PURPOSE: To reduce the recommendation for the University of Nebraska Central Administration.

AMENDMENT

On page 21, in line 2, strike "2,319,073" and insert "1,819,073"; in line 4, strike "2,557,977" and insert "2,057,977".

On page 23, in line 18, strike "2,319,073" and insert "1,819,073"; in line 22, strike "222,125,613" and insert "221,625,613".

3. PURPOSE: To reduce the recommendation for the University of Nebraska Central Administration.

AMENDMENT

On page 21, in line 2, strike "2,319,073" and insert "1,319,073"; in line 4, strike "2,557,977" and insert "1,557,977".

On page 23, in line 18, strike "2,319,073" and insert "1,319,073"; in line 22, strike "222,125,613" and insert "221,125,613".

4. PURPOSE: To delete additional General Funds for administrative data systems at the University of Nebraska Central Administration.

AMENDMENT

On page 21, in line 2, strike "2,319,073" and insert "2,219,182"; in line 4, strike "2,557,977" and insert "2,458,086".

On page 23, in line 18, strike “2,319,073” and insert “2,219,182”; in line 22, strike “222,125,613” and insert “222,025,722”.

Mr. Haberman asked unanimous consent to print the following amendment to LB 559 in the Journal. No objections. So ordered.

1. On page 23, line 24, strike “3,377,336” and insert “2,611,677”; and in line 26 strike “11,880,066” and insert “11,114,407”.

2. On page 24, line 6, strike “29,040,756” and insert “28,275,097”; and in line 9 strike “59,341,173”.

Messrs. DeCamp, L. Johnson, Lamb, H. Peterson, R. Peterson, Maresh, Rumery, Goll, Koch, Barrett, Von Minden, Remmers, Nichol, Chronister, Schmit, Clark, Kahle, and Kremer asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk’s Office - Req. #2325.)

VISITORS

Visitors to the Chamber were 13 students and teacher from Kearney; 22 students, teacher, and principle from St. Mary’s, Bellevue; 26 students, teacher, and adults from A. B. Newell, Grand Island; 46 fourth grade students and teachers from Plainview; 53 members and director from the Nebraska Health Care Association; 22 students and teachers from Dawson-Verdon; Mr. and Mrs. Duane Sellin from Norfolk; and Richard Duba from Wilbur.

ADJOURNMENT

At 4:08 p.m., on a motion by Mr. V. Johnson, the Legislature adjourned until 9:00 a.m., Friday, April 24, 1981.

Patrick J. O’Donnell
Clerk of the Legislature

SIXTY-SEVENTH DAY - APRIL 24, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

SIXTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 24, 1981

Pursuant to adjournment, the Legislature met at 9:05 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Leland Warren, Retired Pastor from the United Presbyterian Church, North Bend, Nebraska.

ROLL CALL

The roll was called and all members were present except Miss Kilgarin, Mrs. Marsh, and Mr. Cullan who were excused; and Messrs. Newell, H. Peterson, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1409, Line 24, strike "Messrs. Landis and Fowler" and insert "Mr. Chambers".
The Journal for the Sixty-First Day was approved as corrected.
The Journal for the Sixty-Sixth Day was approved.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 23, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

Patrick J. O'Donnell
Clerk of the Legislature

Tush, Loisjean D. - Lincoln, Southeast Nebraska Health Systems Agency

MESSAGE FROM THE GOVERNOR

April 23, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council, requiring legislative confirmation:

> Carl Swanson, Box 7354, Omaha 68107, term expiring June 22, 1983, succeeding Hal Daub, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Carl Swanson
Environmental Control Council

UNANIMOUS CONSENT - Print in Journal

Mr. Nichol asked unanimous consent to print the following amendment to LB 346 in the Journal. No objections. So ordered.

1. On page 50, strike lines 23 through 27 and insert the following new subsection:

"(3) As used in this subsection, confidential record information shall mean all docket records, other than the pleadings, orders, decrees, and judgments; case files and records; reports and records of probation officers; and information supplied to the court of jurisdiction in such cases by any individual or any public or private institution, agency, facility, or clinic, which is compiled by, produced by, and in the possession of any court. In all cases under subdivision (3) (a) of section 3 of this act, access to all confidential record information in such cases shall be granted only as follows: (a) The court of jurisdiction may, subject to applicable federal and state regulations, disseminate such confidential record information to any individual, or public or private agency, institution, facility, or clinic which is providing services directly to the juvenile and such juvenile's parents or guardian and his or her immediate family who are the subject of such record information; (b) the court of jurisdiction may disseminate such confidential record information, with the consent of persons who are subjects of such information, or by order of such court after showing of good cause, to any law enforcement agency upon such agency's specific request for such agency's exclusive use in the investigation of any protective service case or investigation of allegations under subdivision (3) (a) of section 3 of this act, regarding the juvenile or such juvenile's immediate family, who are the subject of such investigation; and (c) the court of jurisdiction may disseminate such confidential record information to any court, which has jurisdiction of the juvenile who is the subject of such information upon such court's request.".

2. On page 51, strike lines 1 through 24; in line 25 strike "subdivision" and insert "subsection"; and in line 26 after "of" insert "confidential".

3. Strike committee amendments 23 and 24.

4. On page 52, line 2, after "such" insert "confidential".

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 58, 283, and 491.

RESOLUTION

LEGISLATIVE RESOLUTION 62.

Introduced by Kahle, 37th District; Clark, 47th District; Kremer, 34th District; Schmit, 23rd District; Carsten, 2nd District; Marvel, 33rd District; Warner, 25th District.

WHEREAS, Kenneth L. Bowen served as a State Senator from the 37th District from 1959 to 1967 and was the Speaker of the 1965 Legislature; and

WHEREAS, Kenneth Bowen died April 18, 1981, at the age of sixty-nine; and

WHEREAS, Kenneth Bowen was a lifelong resident and former Mayor of Red Cloud, state director of the Farmers Home Administration, and executive secretary of the League of Nebraska Municipalities; and

WHEREAS, during his term as State Senator, he worked for the abolition of personal property taxes and the return of a portion of state sales and income taxes to cities and counties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its sympathy to the family of Kenneth Bowen and acknowledges his contributions to Nebraska during his many years of service to the state and to his community.

Laid over.

UNANIMOUS CONSENT - Co-Introducers to Amendment

Messrs. Haberman and Wagner asked unanimous consent to have their names added to the amendment to LB 284 (Req. #2325). No objections. So ordered.

COMMUNICATION

April 17, 1981

Dear Mr. O'Donnell:

I was delighted to receive the get-well message and resolution which you sent to me on behalf of the Legislature of the State of Nebraska. Knowing of your friendship encourages and helps me daily.

With best wishes to you and the members of the Legislature,

Sincerely,
(Signed) Ronald Reagan

The Honorable Patrick J. O'Donnell
Clerk of the Legislature of the
State of Nebraska
Lincoln, Nebraska 68509

UNANIMOUS CONSENT - Withdraw Motion on LB 243

Mr. Fowler asked unanimous consent to withdraw his motion to reconsider the body's action in failing to advance LB 243 to E & R Initial. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 60. Read. Considered.

Mr. Koch offered the following amendment:
After "Ord Public School" in the last paragraph insert "and commends all public schools for observing Law Day."

The amendment was adopted with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

LR 60 was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 79

April 20, 1981

Re: Constitutionality of LB 243

Dear Senator Vickers:

We are responding to your request that we review the constitutionality of LB 243 under the United States and Nebraska constitutions.

LB 243 is an act to amend Neb.Rev.Stat. §2-3234 (Reissue 1977), relating to Natural Resource Districts by restricting their power of eminent domain. Neb.Rev.Stat. §2-3234 (Reissue 1977) grants eminent domain to Natural Resource Districts when necessary to carry out their purposes. LB 243 would restrict the power of eminent domain to prevent its use "to acquire property for a project of which 50 percent or more of the benefits are recreational." Section 2 of LB 243 reads as follows: "The restriction on the use of eminent domain provided in subsection (2) of section 2-3234 shall apply to all proceedings which have not reached final adjudication prior to the effective date of this act." The question to be determined is whether section 2 of LB 243 is an ex post facto law, or law impairing the obligation of contracts violating Article I, Section 16 of the Nebraska Constitution or deprives persons of property without due process of law contrary to the Fourteenth Amendment of the United States Constitution.

It has long been recognized in this state that a statute may not operate retroactively where it would impair the obligation of a contract or interfere with a vested right. State ex rel. Douglas v.

Nebraska Mortgage Finance Fund, 204 Neb. 445, 464, 283 N.W.2d 12 (1979). It was long ago recognized by the United States Supreme Court in Hodges v. Snyder, 261 U.S. 600 (1923) that private vested rights of parties cannot be taken away by subsequent legislation. A statute will not be applied retroactively, even where such legislative intent is clear, where the effect would be to impair vested rights or contracts. Mooney v. Drainage District No. 1 of Richardson County, 134 Neb. 192, 278 N.W. 368 (1938); Karer v. Karer, 190 Neb. 610, 211 N.W.2d 116 (1973). Where its effect would be unconstitutional, its application would be limited to be prospective.

However, vested rights and obligations held by the state may be treated differently than rights held by private persons. In Mooney v. Drainage District No. 1 of Richardson County, supra, our court stated:

> The state by an amendatory or repealing legislative act, operating retroactively . . . may release penalties imposed for the protection or benefit of the state under a former statute. By the same method the state may abandon its own claims and rights, if not forbidden by the Constitution. But private property rights acquired under the statutes and established by valid judgments of courts are not subject to legislative invasion by means of new statutes.

Id. at 134 Neb. 199. The court in Mooney v. Drainage District No. 1, supra, relied upon the United States Supreme Court decision in Hodges v. Snyder, supra, which held that a subsequent legislative act affecting public rather than private vested rights was constitutionally permissible. A more recent recognition of this principle is found in de Rodulfa v. United States, 461 F.2d 1240, 1252 note 61, (D.C.Cir. 1972) rehearing denied; cert. denied, 409 U.S. 949.

It has been recognized by our supreme court in Ritter v. Drainage District No. 1 of Otoe and Johnson Counties, 137 Neb. 866, 291 N.W. 718 (1940) that a legislative act and the proceedings thereunder may lead to and create contracts between the state and individuals or corporations which will thereafter become protected pursuant to Article I, Section 16. In this case the court found that the act, the proceedings thereunder and the payments by the landowners for drainage created contracts protected under the Constitution. Id. at 870.

LB 243 restricts use of eminent domain to "acquire property," and seeks to apply to "all proceedings which have not reached final adjudication prior to the effective date of this act." Acquisition of property is essentially accomplished when the Petition for Condemnation is filed in the county court. Chaloupka v. State Department of Roads, 176 Neb. 746, 127 N.W.2d 291, 297 (1964).

The right of the condemner to the property has been determined by the act of filing the Petition, and the only issue remaining is the compensation of the condemnee for the damages he has suffered. The only exception is challenge by the condemnee's Answer to the Petition of the condemner's right to take this property. If such a challenge is made, then the right of acquisition is not determined until after a final judgment to which no appeal is taken Krauter v. Lower Big Blue Natural Resource District, 199 Neb. 431, 259 N.W.2d 472 (1977). In the ordinary case described first above, the final adjudication of the propriety of the taking by eminent domain has been accomplished by the filing of the Petition in county court. However, where the condemnee challenges the authority for condemnation of his property, this is not complete until the litigation finally terminates without further appeal.

In conclusion, we do not know whether any contracts or other vested interests have been created for private persons in "proceedings which have not reached final adjudication prior to the effective date of this act." This act would extinguish vested rights and obligations which exist benefiting the state or its political subdivisions. Should the act affect private vested rights and contracts, it would not be declared unconstitutional, but applied prospectively only.

The act is therefore valid under the Nebraska and United States Constitutions.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) G. Roderic Anderson
Assistant Attorney General

GRA:kkh
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 80
April 20, 1981

Re: Constitutionality of LB 243

Dear Senator Sieck:

We are responding to your request that we review the constitutionality of LB 243 under the United States and Nebraska constitutions.

LB 243 is an act to amend Neb.Rev.Stat. §2-3234 (Reissue 1977), relating to Natural Resource Districts by restricting their power of eminent domain. Neb.Rev.Stat. §2-3234 (Reissue 1977) grants eminent domain to Natural Resource Districts when necessary to carry out their purposes. LB 243 would restrict the power of eminent domain to prevent its use "to acquire property for a project of which 50 percent or more of the benefits are recreational." Section 2 of LB 243 reads as follows: "The restriction on the use of eminent domain provided in subsection (2) of section 2-3234 shall apply to all proceedings which have not reached final adjudication prior to the effective date of this act." The question to be determined is whether section 2 of LB 243 is an ex post facto law, or law impairing the obligation of contracts violating Article I, Section 16 of the Nebraska Constitution or deprives persons of property without due process of law contrary to the Fourteenth Amendment of the United States Constitution.

It has long been recognized in this state that a statute may not operate retroactively where it would impair the obligation of a contract or interfere with a vested right. State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 464 283 N.W.2d 12 (1979). It was long ago recognized by the United States Supreme Court in Hodges v. Snyder, 261 U.S. 600 (1923) that private vested rights of parties cannot be taken away by subsequent legislation. A statute will not be applied retroactively, even where such legislative intent is clear, where the effect would be to impair vested rights or contracts. Mooney v. Drainage District No. 1 of Richardson County, 134 Neb. 192, 278 N.W. 368 (1938); Karer v. Karer, 190 Neb. 610 211 N.W.2d 116 (1973). Where its effect would be unconstitutional, its application would be limited to be prospective.

However, vested rights and obligations held by the state may be treated differently than rights held by private persons. In Mooney v. Drainage District No. 1 of Richardson County, supra, our court stated:

> The state by an amendatory or repealing legislative act, operating retroactively . . . may release penalties imposed for the protection or benefit of the state under a former statute. By the same method the state may abandon its own claims and rights, if not forbidden by the Constitution. But private property rights acquired under statutes and established by valid judgments of courts are not subject to legislative invasion by means of new statutes.

Id. at 134 Neb. 199. The court in Mooney v. Drainage District No. 1, supra, relied upon the United States Supreme Court decision in Hodges v. Snyder, supra, which held that a subsequent legislative act affecting public rather than private vested rights was constitutionally permissible. A more recent recognition of this principle is found in de

Rodulfa v. United States, 461 F.2d 1240, 1252 note 61, (D.C.Cir. 1972) rehearing denied; cert. denied, 409 U.S. 949.

It has been recognized by our supreme court in Ritter v. Drainage District No. 1 of Otoe and Johnson Counties, 137 Neb. 866, 291 N.W. 718 (1940) that a legislative act and the proceedings thereunder may lead to and create contracts between the state and individuals or corporations which will thereafter become protected pursuant to Article I, Section 16. In this case the court found that the act, the proceedings thereunder and the payments by the landowners for drainage created contracts protected under the Constitution. Id. at 870.

LB 243 restricts use of eminent domain to "acquire property," and seeks to apply to "all proceedings which have not reached final adjudication prior to the effective date of this act." Acquisition of property is essentially accomplished when the Petition for Condemnation is filed in the county court. Chaloupka v. State Department of Roads, 176 Neb. 746, 127 N.W.2d 291, 297 (1964). The right of the condemner to the property has been determined by the act of filing the Petition, and the only issue remaining is the compensation of the condemnee for the damages he has suffered. The only exception is challenge by the condemnee's Answer to the Petition of the condemner's right to take this property. If such a challenge is made, then the right of acquisition is not determined until after a final judgment to which no appeal is taken Krauter v. Lower Big Blue Natural Resource District, 100 Neb. 431, 259 N.W.2d 274 (1977). In the ordinary case described first above, the final adjudication of the propriety of the taking by eminent domain has been accomplished by the filing of the Petition in county court. However, where the condemnee challenges the authority for condemnation of his property, this is not complete until the litigation finally terminates without further appeal.

In conclusion, we do not know whether any contracts or other vested interests have been created for private persons in "proceedings which have not reached final adjudication prior to the effective date of this act." This act would extinguish vested rights and obligations which exist benefiting the state or its political subdivisions. Should the act affect private vested rights and contracts, it would not be declared unconstitutional, but applied prospectively only.

The act is therefore valid under the Nebraska and United States Constitutions.

You next question whether LB 243 is unconstitutional for vagueness in its failure to define the criteria to be used in determining whether the project has a purpose which is 50 per cent or more recreational.

It is a general rule of statutory construction that a statute is open to construction only where the language used requires interpretation or may reasonably be considered ambiguous. State ex rel. Halloran v. Hawes, 203 Neb. 405, 279 N.W.2d 96 (1979). Where the words of the statute are plain, direct, and unambiguous, no interpretation is needed to ascertain the meaning. It is not within the province of the court to read a meaning into a statute that is not warranted by the legislative language nor to read out language which is plain and direct and unambiguous. Cochran v. County of Lincoln, 203 Neb. 818, 280 N.W.2d 897 (1979). A court should do whatever reasonable to give an Act a constitutional interpretation. PPG Industries Canada Ltd. v. Kreuscher, 204 Neb. 20, 280 N.W.2d 762 (1979). In interpreting a statute a court will refer to the whole Act and purpose served by it; a word used repeatedly will have the same meaning throughout. PPG Industries Canada Ltd. v. Kreuscher, Id., 281 N.W.2d at 767-768.

Neb.Rev.Stat. §2-3229 (Supp. 1980) lists the 12 purposes for which the Natural Resource Districts are created. These include erosion prevention and control, prevention of damages from floods, flood prevention and control, soil conservation, water supply, development and conservation of ground and surface water, polution control, solid waste disposal and sanitary drainage, drainage improvement, development and management of fish and wildlife habitat, development and management of recreational and park facilities and forestry and range management. These are the purposes for which eminent domain may be used pursuant to Neb.Rev.Stat. §2-3234. Reading LB 243 in light of Neb.Rev.Stat. §2-3229 (Supp. 1980) provides sufficient definition to remove any question of ambiguity in the word "recreational."

We find that LB 243 is not ambiguous or vague and is a valid act.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) G. Roderic Anderson
Assistant Attorney General

GRA:kkh
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 81
April 23, 1981

Dear Senator Beutler:

In your letter of April 14, 1981, you stated that LB 331 provides for a $50,000 gratuity to be awarded to the developer of the best high protein food made from distillers' grain or the process of ethanol distillation. You then requested our opinion as to whether LB 331 violates:

A. Article XIII, Section 3 of the Nebraska Constitution prohibiting the lending of the credit of the state.

B. Article III, Section 19 of the Nebraska Constitution prohibiting the payment of any extra compensation for services rendered.

C. Any other provision of the Nebraska Constitution.

We have reviewed LB 331 in light of your request, and our conclusions are set forth below.

LB 331 provides that the Nebraska Gasohol Committee shall encourage the development and subsequent production of high protein food products for human consumption which have been derived from distillers' grain or the process of ethanol distillation. The bill further provides that the Nebraska Gasohol Committee shall evaluate all such high protein food products under criteria set forth in the legislation. The provision of LB 331 which you have questioned provides that the Nebraska Gasohol Committee may award a $50,000 development gratuity to a person whose high protein food product best meets the criteria set forth in the bill. A ''person'' eligible for this $50,000 development gratuity includes any individual, firm, partnership, association, or corporation.

Article III, Section 19 of the Nebraska Constitution provides, in pertinent part:

> The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement, . . .

On the basis of this language, LB 331 does appear valid under Article III, Section 19. This constitutional provision specifically applies to public officers, agents, servants or persons who contract with the state. The persons entitled to the development gratuity under LB 331 would not have this employment or contractual relationship with state government. Therefore, LB 331 appears to be valid based upon the limitations of the language of Article III, Section 19 of the Nebraska Constitution.

While we have concluded that LB 331 does not violate Article III, Section 19 of the Nebraska Constitution, we have serious concerns as to the constitutional validity of LB 331 under Article XIII, Section 3 of the Nebraska Constitution.

Article XIII, Section 3 of the Nebraska Constitution deals with lending the credit of the state and provides, in part:

> The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, . . .

Our Supreme Court has stated that this constitutional provision prohibits the Legislature from appropriating the public monies of the state to encourage private enterprises. Oxnard Beet Sugar Co. v. State, 73 Neb. 57, 105 N.W. 716 (1905). More recently, in State ex rel. Beck v. City of York, 164 Neb. 223, 82 N.W.2d 269 (1957), our Supreme Court stated:

> It is clear that the framers of our Constitution had in mind a prohibition against giving or loaning the credit of the State or any subdivision thereof for a purely private purpose. This supports the fundamental principle that public moneys may not be used for private purposes. . . . It is the plain intention of this provision [Article XIII, Section 3] that state government, including political subdivisions thereof, shall not extend credit in aid of private persons and private enterprises.

Id. at 225, 82 N.W.2d at 271. Under this case law, it is clear that state monies may not be appropriated to private persons for essentially private purposes. While LB 331 contains a recital of public purpose, it appears to us that a development gratuity paid by the state to a private person for the development of a new product does entail the payment of state monies for a private purpose. Therefore, we feel that the development gratuity provisions in LB 331 are of suspect constitutional validity under Article XIII, Section 3 of the Nebraska Constitution.

We are aware that recent cases have evidenced a more liberal interpretation of the public purpose doctrine in relation to the expenditure of state monies, and have indicated that the purpose involved in the use of state funds controls over the entity selected for receipt of those funds. United Community Services v. Omaha National Bank, 162 Neb. 786, 77 N.W.2d 576 (1956), State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 283 N.W.2d 12 (1979), State ex rel. Douglas v. Thone, 204 Neb. 836, 286 N.W.2d 249 (1979). However, we feel that these cases are distinguishable from the current situation, and, in any event, the facts presented by LB 331 are on point with the Oxnard case, supra. In the Oxnard case, the state appropriated public funds as a bounty to encourage private corporations to increase the production of sugar and chicory. Our Supreme Court found this expenditure of public funds to be unconstitutional.

We note one further concern in relation to part C of your letter of April 14th. In previous opinions, we have stated that substantive legislative provisions should not be included in the same bill along with appropriation legislation. See Report of the Attorney General, 1975-1976, No. 215 at p. 296. and Report of the Attorney General, 1977-1978, No. 241 at p. 368. Our concern in this regard is that the various constitutional provisions relating to appropriation bills indicate that appropriation bills must be restricted to making appropriations only and should not enact substantive legislation. If LB 331 is read to make a specific appropriation to the Nebraska Gasohol Committee in addition to its substantive legislative provisions, it could well be of suspect constitutional validity for that reason.

Sincerly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

DAC:sjr
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 82
April 23, 1981

Dear Senator Goodrich:

You have submitted to us a proposed amendment to LB 3, and have asked our opinion as to its validity. It would amend Neb.Rev.Stat. §77-2704 (Supp. 1980), by making the following exempt from sales and use tax:

> New manufacturing and processing equipment purchased on or after January 1, 1982, for use directly in manufacturing or processing operations located in a manufacturing facility of new construction begun on or after July 1, 1981. For purposes of this subdivision, the term new construction shall not include an expansion or renovation of an existing facility, unless such facility is expanded or renovated for purposes of enabling different manufacturing or processing operations.

Our first concern about this amendment is its precise meaning. Is the exemption intended to give a permanent exemption to new manufacturing and processing equipment purchased after January 1, 1982, for installation in a manufacturing facility, the construction of which was begun after July 1, 1981, or is it intended to give the exemption only to such equipment when the facility is new? In other words, does the exemption apply only to the equipment initially installed in the facility, or does it apply to replacement equipment which might be installed years later, when the original equipment has worn out or become obsolete? In reading the amendment we are left in doubt as to which result is intended, because it can be argued that the facility was built "new" after July 1, 1981, and therefore new equipment installed in it will always be exempt. On the other hand, it can be argued that the facility is not "new" after it has been used for manufacturing or processing purposes, and that therefore replacement equipment is not exempt, unless the plant is "expanded or renovated for purposes of enabling different manufacturing or processing operations."

If we construe the amendment to grant the exemption only to equipment originally installed in a new facility, we believe the exemption can be successfully defended. The question, of course, is whether we are dealing with unreasonable class legislation, and to answer that question we must look to the purpose of the legislation.

The general class is "purchasers of tangible personal property," members of which are ordinarily subject to the sales and use tax. A subclass is made by the amendment of "purchasers of new manufacturing and processing equipment purchased on or after January 1, 1982." A further subclassification is made of "purchasers of such equipment for installation in a manufacturing facility of new construction begun after July 1, 1981."

Article III, section 18 of the Nebraska Constitution forbids unreasonable class legislation, but the cases have repeatedly said that classification is proper if the special class has some reasonable distinction from other subjects of like general character, which distinction bears some reasonable relation to the legitimate objects and purposes of the legislation. See, e.g., Gossman v. State Employees Retirement Systems, 177 Neb. 326, 129 N.W.2d 97 (1964). The statement of intent as to this amendment states that it is designed to encourage new industry to locate in this state by exempting its machinery from sales and use tax upon entry into the state. This is certainly a legitimate legislative purpose, and we are not prepared to say that the granting of such an exemption is unconstitutionally unreasonable. A distinction can be made between factories which are already in existence, or the construction of which has been begun, and those begun after July 1, 1981, on the ground that the exemption might induce someone to build a new factory, after the exemption has been granted, whereas the exemption would have no such effect upon one, the construction of which had already begun or had been completed. The reason for denying the exemption to the latter class would be to minimize the revenue loss caused by the exemption.

If, however, the amendment is construed to give a permanent exemption to purchasers of such equipment for installation in factories built after July 1, 1981, we believe the court would find unreasonable class legislation. This would involve frozen classification, not so much of the class granted the exemption, but of the class to which it is denied.

If, twenty years from now, the owners of two factories were to buy new manufacturing equipment to replace obsolete or worn out equipment, and one was required to pay sales or use taxes on the purchase, and the other was not, solely on the basis that one factory was built in 1980 and the other in 1982, the court would be hard-pressed to find such result fair and reasonable.

The owners of the factory built in 1980 would find it impossible to ever get out of the tax paying class, except by building a new factory, or renovating their factory for a different manufacturing operation. Their competitor, forever into the future, would have a competitive advantage over them of not having to pay sales tax on the purchase of such equipment.

The courts have upheld so-called grandfather clauses, by which someone engaged in a particular occupation on a certain date is not required to prove qualifications required of later entrants into the field. The theory is that those already in the field are presumed to have such qualifications by experience. See, State ex rel. Meyer v. Knutson, 178 Neb. 375, 133 N.W.2d 577 (1965). Also, real estate devoted to a certain use on the effective date of a zoning ordinance may be permitted to be used for that purpose, as a nonconforming use, so that there is not too much disruption of going businesses.

Here, however, we would have the opposite of a grandfather clause. The existing factories would permanently be denied a benefit granted to new factories. It can be argued that giving a prospective manufacturer such a permanent advantage might make it even more attractive for him to come into the state, and so advance the purpose of the bill, but we believe the court would find frozen classification, and strike it down. See, State ex. rel. Ralston v. Turner, 141 Neb. 556, 4 N.W.2d 302 (1942), and City of Scottsbluff v. Tiemann, 185 Neb. 256, 175 N.W.2d 74 (1970).

Usually the frozen class is one which new people or entities are unable to get into. Here the class would be one which the present members (those using facilities constructed before July 1, 1981) would be unable to get out of. We can see no difference in principle.

We are therefore of the opinion that if the amendment is construed to give the exemption to new equipment to be initially installed in a new facility, construction of which was begun after July 1, 1981, it is defensible. If it is construed to give a permanent exemption, which would cover replacement equipment, or equipment purchased after the facility was no longer "new," it would be difficult to defend. In any event, the amendment should be made more clear, so that the court is not required to speculate what the Legislature intended.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 83
April 24, 1981

Dear Senator Labedz:

You have asked us to reconsider Attorney General Opinion #71 (April 8, 1981) with special emphasis on Planned Parenthood of Central Missouri v. Danforth, 428 U.S. 52 (1976), and Maher v. Roe, 432 U.S. 464 (1977), insofar as they allow some regulation by the states during the first trimester of the pregnancy and allow abortions to be treated differently than other medical procedures.

In our earlier opinion we cited Roe v. Wade, 410 U.S. 113 (1973), and Doe v. Bolton, 410 U.S. 179 (1973), as establishing that abortion is a legitimate medical procedure, subject to limitations by the state for compelling state interests, i.e., the health of the mother after the first trimester and an interest in potential life after viability. Both cases emphasized that up to those points the abortion decision was inherently and primarily a medical decision.

Danforth was the "logical and anticipated corollary" to those two cases. It considered eight sections of a Missouri law dealing with abortions, it upheld four and found four invalid. One section it upheld required a woman to certify in writing, prior to submitting to an abortion during the first 12 weeks of pregnancy, that she consents to the procedure and that her consent is informed and freely given and is not the result of coercion.

The district court had upheld the provision, noting that the consent requirement did not single out the abortion procedure, but merely included it within the category of medical operations for which consent is required. The Supreme Court refrained from characterizing prior written consent to surgery as the universal practice of the medical profession. It emphasized that the decision to abort is an important and often a stressful one and it is desirable and imperative that it be made with full knowledge of its nature and consequences. It held it was constitutional for the state to require her prior written consent. However, it cautioned against defining "informed consent" so as to confine the attending physician in a straitjacket in the practice of his profession.

The Court in Danforth also upheld recordkeeping requirements covering abortions in the first trimester which were reasonably directed to preservation of maternal health and which properly respected the patient's confidentiality and privacy.

In Maher v. Roe, 432 U.S. 646 (1977), the Court held that the Constitution does not require a state participating in the Medicaid program to pay for nontherapeutic abortions when it pays for childbirth. (This was extended in Harris v. McRae, 448 U.S. ____ (1980). The Court in that case held both the federal government and the states can encourage childbirth by paying for it but not paying for abortions even when they are medically necessary.)

The differing treatments for childbirth and abortion were considered in Maher in light of the Equal Protection Clause of the Fourteenth Amendment to see if the state legislation operated to the disadvantage of some suspect class or impinged upon a fundamental right protected by the Constitution or, if not, to see if the state legislation rationally furthered some legitimate articulated state purpose.

The Court held that the legislation did not operate to the disadvantage of a suspect class because financial need alone does not identify such a class for purposes of equal protection analysis.

The Court reiterated its holding in Wade that the Fourteenth Amendment afforded constitutional protection to a woman's decision to terminate her pregnancy and that the state's interest in the health of the pregnant woman justified state regulation related to that concern in the second trimester and that the state's interest in the potential life of the fetus at viability, usually in the third trimester, justifies prohibition with criminal penalties except where the life or health of the mother is threatened.

In concluding that the Connecticut regulation denying Medicaid benefits for nontherapeutic abortions in the first trimester of pregnancy did not impinge on the fundamental right recognized in Wade, the Court said:

> Our conclusion signals no retreat from Roe [v. Wade] or the cases applying it. There is a basic difference between direct state interference with a protected activity and state encouragement of an alternative activity consonant with legislative policy.

(Emphasis added.) Supra at 475. The Court likened a state encouraging childbirth instead of abortion by funding childbirth but not abortion to the state encouraging public education by funding it but not funding parochial education which it cannot prohibit.

In addition to recordkeeping and informed consent allowed during the first trimester, the Court has recently held in H. L. v. Matheson, 41 CCH S.Ct.Bull. p. B-1487 (March 23, 1981), that a state can require parental consultation prior to an abortion in the first trimester on an immature, dependent, unmarried child living at home. The court cited interests of the state in family integrity, protecting adolescents and the role of the parents in child rearing. However, the emphasis was on insuring that such child's decision to abort was made only with full knowledge of its nature and consequences.

Our conclusion in Attorney General Opinion #71 that both of the proposed amendments in LB 466 were probably unconstitutional was based primarily on state law, i.e., improper use of the police power to stifle legitimate business and improper classification not reasonably related to the purposes of the underlying legislation being amended. We suggested that there might also be a chilling of the exercise of constitutional rights. The financial encouragement of childbirth upheld in Maher and McRae and the insurance of informed consent upheld in Danforth and H.L. are not an endorsement of all classifications giving preferred status to medical procedures other than abortions. They do not change our earlier conclusion that the proposed amendments in LB 466 are probably unconstitutional.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

SELECT FILE

LEGISLATIVE BILL 384. Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 1262. No objections. So ordered.

Mr. Wesely renewed his first pending amendment found in the Journal on page 1281.

The amendment was adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

Mr. Wesely renewed his second pending amendment found in the Journal on page 1281.

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Beutler renewed his pending amendment found in the Journal on page 1300.

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Warner offered the following amendment:
Amend LB 384 on Pg 3 by striking line 6 thru the word "financing" on line 12. Strike the word "Such" in line 12.

The amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Vickers offered the following amendment:
Strike subsections (2) and (3) of section 2.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment with 25 ayes, 4 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 296. E & R amendments found in the Journal on page 1364 for the Sixtieth Day were adopted.

Mr. Cullan renewed his pending amendment, Req. #2225, found in the Journal on page 1416.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Cullan renewed his pending amendment found in the Journal on page 1419.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Cope renewed his pending amendment, Req. #2303, found in the Journal on page 1463.

MR. NICHOL PRESIDING

The Cope amendment was adopted with 28 ayes, 1 nay, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 257. E & R amendments found in the Journal on page 1391 for the Sixty-First Day were adopted.

SPEAKER MARVEL PRESIDING

Mr. DeCamp offered the following amendment:
(Amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2336.)

Mr. Maresh offered the following amendment to the DeCamp amendment:
Amend Req. No 2336 page 2 line 12 strike "two" & insert "four". Line 14 after "purposes" insert and providing technical assistance in developing alternate sources of energy principally alcohol production.

The Maresh amendment to the DeCamp amendment was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

The DeCamp amendment, as amended, was adopted with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment with 25 ayes, 7 nays, 14 present and not voting, and 3 excused and not voting.

CANCELLATION OF COMMITTEE HEARING
Agriculture and Environment

Governor Appointment's - Cancel
Environmental Control Council - May 7, 1981 1:00 p.m.
Carl Swanson
Ted Regier

(Signed) Loran Schmit, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 389A. By Wesely, 26th District.
This bill introduced on behalf of: LB 389.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 389, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 529A. By Schmit, 23rd District.
This bill introduced on behalf of: LB 529.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 529, Eighty-seventh Legislature, First Session, 1981.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 24, 1981, at 9:45 a.m., were the following bills: 58, 283, and 491.

(Signed) Janet Loder, Enrolling Clerk

UNANIMOUS CONSENT - Members Excused

Messrs. Koch and R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 466. Mr. Chambers asked unanimous consent to withdraw his pending motion to indefinitely postpone found in the Journal on page 1409. No objections. So ordered.

Mrs. Labedz offered the following amendment:

1. In the committee amendments on page 3, line 27, strike "per week", and after "performed" insert "during any one calendar week".

2. In the committee amendments on page 9, line 9, strike "3" and insert "4".

3. Insert the following new sections:

"Sec. 3. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according. to law.".

The amendment was adopted with 25 ayes, 4 nays, 17 present and not voting, and 3 excused and not voting.

Messrs. Landis and Fowler moved to indefinitely postpone LB 466.

Mrs. Labedz moved to suspend the rules, Rule 7, Section 3, in order to take up the motion to indefinitely postpone LB 466 today.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mrs. Labedz requested a roll call vote on her motion to suspend the rules.

Voting in the affirmative, 26:

Barrett
Beyer
Burrows
Chronister
Cope
DeCamp
Fitzgerald
Goodrich
Higgins
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Maresh
Marvel
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner

Voting in the negative, 12:

Beutler
Carsten
Chambers
Fowler
Goll
Hefner
Hoagland
Johnson, V.
Landis
Remmers
Warner
Wesely

Present and not voting, 6:

Clark
Dworak
Fenger
Peterson, R.
Vickers
Wiitala

Excused and not voting, 4:

Cullan
Kilgarin
Koch
Marsh

Absent and not voting, 1:

Haberman

The Labedz motion lost with 26 ayes, 12 nays, 6 present and not voting, 4 excused and not voting, and 1 absent and not voting.

Laid over.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 134. Mr. Fenger renewed his pending motion to indefinitely postpone found in the Journal on page 1508.

Motion pending.

STANDING COMMITTEE REPORT
Public Works

The Public Works Committee desires to report favorably upon the appointments or reappointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Mark Covert, Board of Public Roads Classifications and Standards
Robert Martin, Motor Vehicle Industry Licensing Board
Bob Hinchcliff, Motor Vehicle Industry Licensing Board

VOTE: For: Senators Beutler, Clark, DeCamp, Koch, Kremer, Lamb. Against: Senator Wesely. Not Voting: Senator Hoagland.

(Signed) Maurice A. Kremer, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LB 248 in the Journal. No objections. So ordered.

1. Strike Standing Committee amendment 2 on page 1316 of the Journal.
2. Insert the following new section:
"Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. L. Johnson asked unanimous consent to print the following amendment to LB 134 in the Journal. No objections. So ordered.

Amend LB 134 by adding the following to line 27, page 2:
"and except that such a committee may make expenditures after any such election for: the necessary continued operation of its campaign office or offices; social events primarily for the benefit of campaign workers and volunteers; obtaining public input and opinion; repayment of campaign loans incurred prior to election day; newsletters and other communications of information, thanks, acknowledgement or greetings or for the purpose of political organization and planning; gifts of acknowledgment, including flowers and charitable contributions, provided that gifts to any one person or charity shall not exceed $50 in any one calendar year; and meals, lodging and travel by an officeholder related to his or her candidacy, and for members of the immediate family of the officeholder when involved in activities related to his or her candidacy."

VISITORS

Visitors to the Chamber were 54 students and teachers from LaPlatte Elementary School; 22 students and teacher from North Bend; Herschel Baird and Robert Hyde from Scottsbluff; Senator Goll's son, Jim, Jr., wife, Susan, grandsons, J. B. and Benjamin, and son, Charles from Tekamah; 8 students, teacher, and sponsors from Strang; 19 eighth grade students and teachers from St. Rose School, Crofton; 25 students and teachers from Brownell-Talbot School, Omaha; 43 students and teacher from Lincoln School, Grand Island; and 4 students and teacher from Anoka Public School from Boyd County.

RECESS

At 12:01 p.m., on a motion by Mr. Landis, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:40 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan, Koch, Miss Kilgarin, and Mrs. Marsh who were excused; and Messrs. Barrett, Beutler, Fowler, Goodrich, Haberman, Hoagland, V. Johnson, Newell, Warner, Wiitala, Mesdames Labedz, and Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 11A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 2 nays, 6 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 296A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 3 nays, 7 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 328A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 394. Title read. Considered.

Standing Committee amendments, Req. #2240, printed separate from the Journal and referred to on page 1159 for the Fifty-Second Day were considered.

Mr. Newell renewed his pending amendment (3) to the Standing Committee amendments found in the Journal on page 1497.

The amendment lost with 3 ayes, 20 nays, 20 present and not voting, and 6 excused and not voting.

Mr. Goodrich offered the following amendment to the Standing Committee amendments:

Amend LB 394 Pg 18 L. 12 of Maresh amendment

Strike 3% and insert 1 3/4% and add the following sentence:

"In no event shall a negative balance employer pay a contribution rate of greater than 5%."

The amendment was adopted with 23 ayes, 8 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Stoney offered the following amendment to the Standing Committee amendments:

Strike Sec 5 of Committee Amendments.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Stoney amendment lost with 5 ayes, 13 nays, 27 present and not voting, and 4 excused and not voting.

Messrs. Vickers and Wiitala offered the following amendment to the Standing Committee amendments:
Amend the Goodrich amendment by striking the following sentence:
"In no event shall a negative balance employer pay a contribution rate of greater than 5%."

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Vickers-Wiitala amendment was adopted with 15 ayes, 9 nays, 21 present and not voting, and 4 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 7 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 6 nays, 14 present and not voting, and 4 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached Reference Report No. 7, Governor's Appointments.

(Signed) Howard Lamb, Chairperson

Agriculture and Environment
Carl Swanson - Environmental Control Council
Ted Regier - Environmental Control Council

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 327 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1. Insert the following new section:

"Sec. 2. Any county, city, village, school district, any agency of the state government, any drainage district, sanitary and improvement district, or any other municipal corporation or political subdivision of the State of Nebraska is hereby permitted, authorized, and given the power to file a petition in the United States Bankruptcy Court under Chapter 9 of

Title 11 of the United States Code and any acts amendatory thereto and supplementary thereof, and to incur and pay the expenses incident to the consummation of a plan of adjustment of the debts of a municipality as contemplated by such petition.".

2. Renumber original section 2 as section 3.

Mr. Schmit asked unanimous consent to print the following amendment to LB 328A in the Journal. No objections. So ordered.

1. Insert the following new section:

"Sec. 2. There is hereby appropriated one hundred thirty-seven thousand one hundred dollars from the General Fund for the period July 1, 1981, to June 30, 1982, to the Nebraska Commission on Law Enforcement and Criminal Justice, to aid in carrying out the provision of LB 328, Eighty-seventh Legislature, First Session, 1981. Total expenditure for permanent and temporary salaries and per diem from funds appropriated in this section shall not exceed ninety-six thousand two hundred ninety-nine dollars, which shall be the basis for the 1982-83 continuation funding.".

Mr. Fenger asked unanimous consent to print the following amendment to LB 134 in the Journal. No objections. So ordered.

1. On page 5, after line 5 insert:

"(12) A candidate for the office of member of the Legislature and candidate committees thereof shall not accept contributions from corporations, labor organizations, industry, trade or professional organizations, except political party committees, which exceed seven hundred fifty dollars from the thirty-sixth day after the general election in the candidate's district to the thirty-fifth day after the next general election in such district."; in line 6 strike "(12)" and insert "(13)".

Mr. Carsten asked unanimous consent to print the following amendment to LB 3 in the Journal. No objections. So ordered.

1. In the Standing Committee amendments on page 1018 of the Journal in line 4 strike "located" and insert "initially installed".

GENERAL FILE

LEGISLATIVE BILL 248A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 470. Title read. Considered.

Standing Committee amendment found in the Journal on page 1161 for the Fifty-Second Day was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2341.)

Mr. Newell asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

Explanation of LB 284 Amendment
April 24, 1981

Under the proposed amendment, the distribution of the $70 million would be made as follows:

1. Fiscal year 1980-81: The entire $70 million would be distributed under the formula contained in the Schmit Amendment (Req. 2325) to LB 284.

2. For fiscal year 1981-82:

A. The amount of the $70 million that is received by school districts ($41 million) would be added to the School Foundation and Equalization Fund. However, this money would be distributed entirely on a foundation basis.

B. The remainder of the $70 million ($29 million) would continue to be distributed to subdivisions other than school districts based on the Schmit Amendment formula above.

3. For fiscal year 1982-83, and ensuing years:

A. $41 million would remain distributed to school districts on a foundation basis.

B. $2 million would be added to state aid to technical community colleges.

C. $11 million would be added to the cities' portion of the Governmental Subdivision Fund.

D. $16 million would be added to the counties' portion of the Governmental Subdivision Fund.

UNANIMOUS CONSENT - Co-Introducer to Amendment

Messrs. Cope, Sieck, and Mrs. Higgins asked unanimous consent to have their names added to the amendment to LB 284 (Req. #2325.) No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Sieck's son and daughter-in-law, Jerry and Berta Sieck, his granddaughter, Heidi, and his wife, Mrs. Harold Sieck; 30 students and teachers from Butler County; John Harms, Herschel Baird, Robert Hyde, and David Groshans from Scottsbluff; 32 students and teachers from Blue Rapids, Kansas; 100 students and teacher from Creighton; and 8 students from Wayne State College.

ADJOURNMENT

At 3:46 p.m., on a motion by Mr. Kahle, the Legislature adjourned until 9:30 a.m., Monday, April 27, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-EIGHTH DAY - APRIL 27, 1981

LEGISLATIVE JOURNAL

SIXTY-EIGHTH DAY - APRIL 27, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

SIXTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 27, 1981

Pursuant to adjournment, the Legislature met at 9:37 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Dwayne Lueck, Trinity Lutheran Church, Martinsburg, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Kremer and R. Peterson who were excused; and Miss Kilgarin who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

Page 1577, line 7, add "Hefner" after "Sieck".
The Journal for the Sixty-Seventh Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 252. Placed on Select File as amended.
E & R amendment to LB 252:

1. On page 5, line 21, insert "that" after "except".

LEGISLATIVE BILL 326. Placed on Select File as amended.
E & R amendments to LB 326:

1. On page 2, insert an underscored comma at the end of line 2.
2. On page 3, line 23, insert an underscored comma after "funds".
3. On page 8, line 2, strike "should" and insert "shall".

LEGISLATIVE BILL 232. Placed on Select File as amended.
E & R amendments to LB 232:

1. On page 21, lines 5 and 6, strike "189,050" and insert "~~300,000~~ 189,050"; and in lines 12 and 13 strike "380,000" and insert "~~269,050~~ 380,000".

2. In committee amendments, page 37, line 5, strike " '7' " and insert "the third comma"; and at the end of line 6 insert "and".

3. In the title, line 3, insert ", 12," after "6"; in line 4 insert "8," after the third comma; strike line 5 and insert "998, sections 4, 6, 8, 9, 11, 12, 14, 16, 23, 29, 43, and 46, Laws"; in line 6 insert "4," after "sections", strike "and" and after the fifth comma insert "and 8,"; in line 8 strike "and" and after "Laws" insert "1979, LB 594, section 31, as amended by Laws 1980, LB 1000, section 10, and Laws", and in line 9 insert ", 13," after "6".

LEGISLATIVE BILL 160. Placed on Select File.
LEGISLATIVE BILL 161. Placed on Select File.
LEGISLATIVE BILL 557. Placed on Select File.
LEGISLATIVE BILL 558. Placed on Select File.

LEGISLATIVE BILL 559. Placed on Select File as amended.
E & R amendments to LB 559:

1. On page 26, line 11, strike "addendums" and insert "addenda"; and in line 13 strike "addendum should" and insert "addenda shall".

2. In the title, line 4, insert "to repeal Laws 1979, LB 184A, section 3;" after the semicolon.

LEGISLATIVE BILL 560. Placed on Select File.
LEGISLATIVE BILL 561. Placed on Select File.

LEGISLATIVE BILL 163. Placed on Select File as amended.
E & R amendments to LB 163:

1. In committee amendments, page 2, line 19, strike "strike 'and' and".

2. In the title, line 6, strike "section" and insert "sections 28 and".

LEGISLATIVE BILL 562. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 60.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 241.

A BILL FOR AN ACT relating to zoning and planning; to amend sections 19-904.01 and 23-173.01, Reissue Revised Statutes of Nebraska, 1943; to provide compensation for the taking of outdoor signs as prescribed; to change provisions relating to compensation for nonconforming uses; to provide when alteration to become conforming shall be required; to provide when nonconforming use may be allowed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Barrett
Beutler
Burrows
Carsten
Chronister
Clark
DeCamp
Fitzgerald
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Newell
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Warner
Wesely
Wiitala

Voting in the negative, 15:

Beyer
Chambers
Cope
Cullan
Dworak
Fenger
Fowler
Goodrich
Hoagland
Johnson, V.
Marvel
Nichol
Vickers
Von Minden
Wagner

Excused and not voting, 3:

Kilgarin
Kremer
Peterson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 298.

A BILL FOR AN ACT relating to city planning; to amend sections 14-402, 15-902, 19-902, and 84-155, Reissue Revised Statutes of Nebraska, 1943; to provide that land be zoned for mobile homes as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 28:

Beutler
Burrows
Chambers
Chronister
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Higgins
Hoagland
Johnson, L.
Johnson, V.
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Remmers
Schmit
Sieck
Wesely
Wiitala

Voting in the negative, 17:

Barrett
Beyer
Carsten
Clark
Cope
Haberman
Hefner
Kahle
Koch
Lamb
Maresh
Rumery
Stoney
Vickers
Von Minden
Wagner
Warner

Present and not voting, 1:

Pirsch

Excused and not voting, 3:

Kilgarin
Kremer
Peterson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 327 to Select File

Mr. Schmit moved to return LB 327 to Select File for the specific amendment found in the Journal on page 1574.

The motion prevailed with 28 ayes, 5 nays, 14 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 327. The Schmit specific amendment found in the Journal on page 1574 was adopted with 26 ayes, 6 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 331 to Select File

Mr. Schmit moved to return LB 331 to Select File for the following specific amendment:

(FINAL READING SECOND)

1. On page 3, line 13, after "(b)" insert "the"; in line 14 strike "techniques"; and strike lines 16 through 27.

2. On page 4, strike lines 1 through 3; in line 4 strike "(3)" and insert "(2)"; in line 9, strike "fifty thousand dollar" and after "gratuity" insert "of up to fifty thousand dollars"; in line 11 after the period insert "The amount of such award shall be determined by the committee and shall be contingent on the amount of donations received under section 8 of this act."; and strike beginning with "Such" in line 11 through line 16.

3. Insert the following new section:

"Sec. 8. The Governor shall accept donations which may be used for payment of the development gratuity provided under this act and related expenses. Such donations shall not be used for any other purpose.".

The motion prevailed with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 331. The Schmit specific amendment found in this day's Journal was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 478. With Emergency.

A BILL FOR AN ACT to amend section 77-3508, Revised Statutes Supplement, 1980, relating to homesteads; to provide an exemption as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 33:

Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Marsh
Marvel
Newell
Peterson, H.
Pirsch
Remmers
Rumery
Sieck
Vickers
Wagner
Wiitala

Voting in the negative, 12:

Barrett
Beutler
Dworak
Lamb
Landis
Maresh
Nichol
Schmit
Stoney
Von Minden
Warner
Wesely

Present and not voting, 2:

Chambers
Higgins

Excused and not voting, 2:

Kremer
Peterson, R.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 486. With Emergency.

A BILL FOR AN ACT to amend sections 77-602 and 77-604, Revised Statutes Supplement, 1980, relating to revenue and taxation; to change provisions relating to the taxation of railroad property as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Pirsch
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 4:

Chambers
Kilgarin
Newell
Rumery

Present and not voting, 1:

Higgins

Excused and not voting, 2:

Kremer
Peterson, R.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendment to LB 284

Mr. Newell asked unanimous consent to withdraw his pending amendment to LB 284 found in the Journal on page 1522. No objections. So ordered.

MOTION - Return LB 284 to Select File

Mr. Newell moved to return LB 284 to Select File for the specific amendment, Req. #2341, printed separate from the Journal and referred to on page 1576.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 9 nays, and 23 not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Newell requested a roll call vote on his motion.

Voting in the affirmative, 24:

Beutler
Beyer
Carsten
Chambers
Dworak
Fenger
Fitzgerald
Fowler
Goodrich
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marvel
Newell
Nichol
Pirsch
Remmers
Stoney
Warner
Wesely
Wiitala

Voting in the negative, 20:

Barrett
Burrows
Chronister
Clark
Cope
Cullan
DeCamp
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Lamb
Maresh
Peterson, H.
Rumery
Schmit
Von Minden
Wagner

Present and not voting, 3:

Marsh
Sieck
Vickers

Excused and not voting, 2:

Kremer
Peterson, R.

The Newell motion to return LB 284 to Select File lost with 24 ayes, 20 nays, 3 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Withdraw Amendment to LB 284

Mr. DeCamp asked unanimous consent to withdraw the pending DeCamp et al amendment to LB 284 found in the Journal on page 1548. No objections. So ordered.

MOTION - Return LB 284 to Select File

Mr. DeCamp moved to return LB 284 to Select File for the following specific amendment:

(Final Reading Copy)

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. It is the intent of the Legislature that replacement revenue for local taxing agencies as a result of exemptions allowed on certain classes of personal property not be shifted to other classes of property subject to taxation. Since (1) agricultural income-producing machinery and equipment, livestock, feed, fertilizer, and farm inventory, grain and seed, and poultry, fish, honey bees, and fur-bearing animals were exemptions related to agriculture and (2) business inventory was an exemption related to commerce and industry, the tax basis for distributing financial assistance pursuant to sections 1 to 5 of this act is hereby recognized and established.

Sec. 2. (1) For fiscal years 1980-81 and 1981-82 the Legislature shall appropriate seventy million dollars from the General Fund to a special fund to be known as the Local Government Revenue Fund, which fund is hereby created. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

(2) For fiscal years 1980-81 and 1981-82 the Legislature shall annually appropriate and distribute seventy million dollars from the Local Government Revenue Fund. Of such funds appropriated, thirty-seven million nine hundred seventy-seven thousand six hundred dollars shall be distributed based on the actual value of agricultural real estate within the state, thirty-one million twenty-two thousand four hundred dollars shall be distributed based on the actual value of commercial-industrial real estate in the state, and one million dollars shall be distributed based on the actual value of suburban-residential real estate within the state.

(3) For purposes of subsection (2) of this section (a) actual value of agricultural real estate shall mean the total actual value of all agricultural lands, lots, and improvements in this state computed by adding the actual value of dry cropland, irrigated cropland, rangeland and meadow, pasture land, wasteland, agricultural improvements, and agricultural land or lots in each county as reported in lines 14 through 18, 20, 29, and 30 of the most current County Abstract of Assessment Form 45, (b) actual value of commercial-industrial real estate shall mean the total actual value of all suburban commercial land or lots, suburban commercial improvements, suburban industrial land or lots, suburban industrial improvements, commercial land or lots, commercial improvements, industrial land or lots, and industrial improvements in this state computed by adding the actual value of real estate in each county as reported in lines 23 to 26 and 33 to 36 of the most current County Abstract of Assessment Form 45, and (c) actual value of

suburban-residential real estate shall mean the total actual value of all suburban residential land or lots, suburban residential improvements, unimproved lots, residential land or lots, and residential improvements in this state computed by adding the actual value of real estate in each county as reported in lines 21, 22, 28, 31, and 32 of the most recent County Abstract of Assessment Form 45. For fiscal year 1980-81 funds shall be distributed based on the 1980 County Abstract of Assessment Form 45 as equalized by the State Board of Equalization and Assessment and for fiscal year 1981-82 funds shall be distributed based on the 1981 County Abstract of Assessment Form 45 as equalized by the State Board of Equalization and Assessment.

Sec. 3. Each county shall receive a share of the funds distributed pursuant to section 2 of this act based on the percentage figure obtained by dividing the total actual value of agricultural, commercial-industrial, and suburban-residential real estate in the county by the total actual value of agricultural, commercial-industrial, and suburban-residential real estate in the state. The Tax Commissioner shall determine the amount to be distributed to the various counties for distribution to the political subdivisions within such county and shall certify such amounts to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 5, 1980, and December 5, 1981. For fiscal year 1980-81 the fund shall be distributed according to the same schedule except that any monthly payment not made prior to the effective date of this act shall be added to the initial payment made following the effective date of this act. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.

Sec. 4. Each political subdivision or portion of a political subdivision within a county, including the county itself, with authority to levy a tax or cause a tax to be levied shall receive a share of the funds distributed to the county in an amount equivalent to the percentage figure obtained by dividing the amount of property tax levied within the county by the political subdivision during the prior calendar year by the total amount of property tax levied within the county by all political subdivisions during the prior calendar year.

Such amount shall be distributed by the county treasurer in seven as nearly as possible equal monthly payments beginning December 5, 1980, and December 5, 1981. For fiscal year 1980-81 the fund shall be distributed according to the same schedule except that any monthly payment not made prior to the effective date of this act shall be added to the initial payment made following the effective date of this act.

Sec. 5. (1) If two or more political subdivisions within a county are merged, the share such newly merged political subdivision shall receive shall be the sum of the receipts each individual political subdivision would have received had there been no merger.

(2) If a political subdivision authorized to levy a tax or cause a tax to be levied is newly created, such political subdivision shall receive, commencing the first year such levy generates tax receipts, a share of the funds distributed to political subdivisions within a county computed pursuant to sections 2 to 4 of this act.

Sec. 6. That Laws 1980, LB 1002, section 5, be amended to read as follows:

Sec. 5. Agency No. 12 -- State Treasurer

(1) Program No. 146 - Aid to Governmental Subdivisions

GENERAL FUND	12,600,000
PROGRAM TOTAL	12,600,000

~~(2) Program No. 147 Personal Property Tax Relief~~

~~GENERAL FUND~~	~~70,000,000~~
~~PROGRAM TOTAL~~	~~70,000,000~~

For Informational Purposes Only: Total Appropriations to Agency No. 12 and Fund Source

GENERAL FUND	~~82,600,000~~
	12,600,000
AGENCY TOTAL	~~82,600,000~~
	12,600,000

Sec. 7. (1) The Legislature hereby finds that (a) in some instances political subdivisions have added programs or services as a result of state action and have not received any additional assistance from the state to aid them in meeting these new responsibilities, (b) the limitation placed on the budgets of political subdivisions has made it difficult for the political subdivisions to continue to provide all the necessary programs and services, and (c) since certain types of agricultural-related personal property and business-related inventories were exempted from taxation as a result of previous legislative action, it is necessary for the state to provide financial assistance to political subdivisions to insure the continuation of

vital programs and services.

(2) It is the responsibility of the Legislature to provide laws which promote uniform and equitable taxation. The Legislature is responsible for providing state tax system and has the right to apportion the impact of such tax system in any manner that is consistent with the application of appropriate laws which reflect property values, personal income, and other economic activities. The Legislature hereby finds that the best interests of the state are served by providing uniform property tax relief based on the value of all property and the Legislature's choice to provide a shift in tax burden from property to sales and income is a legitimate and proper function of the Legislature.

(3) Sections 8 to 12 of this act do not purport to reimburse political subdivisions for losses due to certain personal property tax exemptions, but provide state financial assistance through property tax relief to various political subdivisions of the State of Nebraska.

Sec. 8. For fiscal year 1982-83 and each fiscal year thereafter the Legislature shall appropriate seventy million dollars from the General Fund to a special fund, to be known as the Political Subdivision Property Tax Relief Fund, which fund is hereby created. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 9. For fiscal year 1982-83 and each fiscal year thereafter each county shall receive an amount from the Political Subdivision Property Tax Relief Fund based on the percentage figure obtained by dividing the actual valuation of real and personal property in the county by the actual valuation of real and personal property in the state based on the values stated in the most recent certificate of taxes levied pursuant to section 77-628. The Tax Commissioner shall determine the amount to be distributed to the various counties for distribution to the political subdivisions within such county and shall certify such amounts to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 5, 1982, and each December 5 thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.

Sec. 10. Each political subdivision or portion of a political subdivision within a county, including the county itself, with authority to levy a tax or cause a tax to be levied shall receive a share of the funds distributed to the county in an amount equivalent to the percentage figure obtained by dividing the amount of property tax levied within the county by the political subdivision during the prior calendar year by the total amount of property tax levied within the county by all political subdivisions during the prior calendar year. Such amount shall be distributed by the county treasurer in seven as nearly as possible equal monthly payments beginning December 5, 1982, and each December 5 thereafter.

Sec. 11. (1) If two or more political subdivisions within a county are merged, the share such newly merged political subdivision shall receive shall be the sum of the receipts each individual political subdivision would have received had there been no merger.

(2) If a political subdivision authorized to levy a tax or cause a tax to be levied is newly created, such political subdivision shall receive, commencing the first year such levy generates tax receipts, a share of the funds distributed to political subdivisions within a county computed pursuant to sections 11 and 12 of this act.

Sec. 12. Sections 1 to 5 of this act shall terminate on July 1, 1982.

Sec. 13. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 14. That Laws 1980, LB 1002, section 5, and also sections 77-3601 to 77-3604, Revised Statutes Supplement, 1980, and Laws 1980, LB 882 A, are repealed.

Sec. 15. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The motion to return to Select File prevailed with 28 ayes, 12 nays, 7 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 284. The DeCamp specific amendment found in this day's Journal was considered.

Amendment pending.

VISITORS

Visitors to the Chamber were 4 students, teacher, and sponsors from District 17, Otoe County, Nebraska City; 7 students, teacher, and sponsors from Brownlee Elementary, Cherry County; 6 students and teacher from Bellview Grade School, Fremont; 15 students and teacher from Lutheran Grade School, Hooper; 47 fourth grade students and teachers from Eagle Elementary, Eagle; and Dupraf Monique from Switzerland.

RECESS

At 12:06 p.m., on a motion by Mr. Wiitala and Speaker Marvel, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Kremer and R. Peterson who were excused; and Mr. Beutler who was excused until he arrives.

EXPLANATION OF VOTE

Had I voted on the final passage of LB 478, I would have voted "aye".

(Signed) Marge Higgins

ANNOUNCEMENT

Mr. Kahle announced the Government, Military and Veterans Affairs Committee will hold a meeting immediately upon recessing Tuesday noon, April 28, 1981 under the North Balcony.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

Governor's Appointments
Environmental Control Council - May 7, 1981 1:00 p.m.
Carl Swanson
Ted Regier

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 245A in the Journal. No objections. So ordered.

1. Strike Section 1
2. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 63.

Introduced by Chambers, 11th District.

PURPOSE: The purpose of this resolution is to study all aspects concerning the application and consequences of the death penalty, including its impact upon the functioning of the criminal justice system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Clark asked unanimous consent to print the following amendment to LB 3 in the Journal. No objections. So ordered.

1. On page 8, line 26, strike "and".
2. On page 9, line 2, strike the underscored period and insert "; and"; and after line 2 insert

a new subdivision as follows:

"(u) The production or printing of mail-order catalogs and materials used in such production or printing.".

SELECT FILE

LEGISLATIVE BILL 284. Mr. DeCamp renewed his pending specific amendment found in this day's Journal.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The DeCamp specific amendment was adopted with 27 ayes, 13 nays, 7 present and not voting, and 2 excused and not voting.

Mr. Hoagland requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 26 ayes, 15 nays, 6 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 512. Title read. Considered.

Standing Committee amendments, Req. #2229, printed separate from the Journal and referred to on page 1161 were considered.

Mr. Fenger offered the following amendment to the Standing Committee amendments:

1. Insert the following new section:

"Sec. 38. A title insurance company formed or authorized for the purposes specified in sections 44-1901 to 44-1917 shall not transact, underwrite, or issue any owner's title insurance policy, as defined in subdivision (1) of section 44-1918, unless such policy includes mechanic's lien coverage.".

2. Renumber remaining sections accordingly.

The amendment was adopted with 21 ayes, 4 nays, 22 present and not voting, and 2 excused and not voting.

MR. KAHLE PRESIDING

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 14 nays, and 17 not voting.

SPEAKER MARVEL PRESIDING

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Standing Committee amendments, as amended, lost with 16 ayes, 24 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 27 ayes, 5 nays, 15 present and not voting, and 2 excused and not voting.

MESSAGE FROM THE GOVERNOR

April 27, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Reengrossed Legislative Bills 58, 283, and 491 arrived in my office last week.

These bills were signed by me on April 24, 1981 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 529 in the Journal. No objections. So ordered.

(Amendments to Standing Committee Amendments Req 2245)

1. On page 7, strike the new matter in lines 19 and 20.
2. On page 16, strike the new matter in lines 16 through 19 and insert "feeding of livestock and poultry".

3. On page 17, line 21, after the period insert "The Public Service Commission shall adopt and promulgate rules and regulations regarding approval of grain probes.".

Mr. Goodrich asked unanimous consent to print the following amendment to LB 512 in the Journal. No objections. So ordered.

(Amendments to Orig. Bill)

1. On page 1, line 6, after "owner's" insert "residential", and strike "property" and insert "estate".

2. On page 3, lines 4, 7, and 10, strike "property" and insert "residential real estate".

3. On page 4, line 2, after "of" insert "residential"; and in line 3 after "such" insert "residential".

4. On page 5, line 3, strike "(3)" and insert "Sec. 4.", and strike "this section" and insert "sections 1 to 3 of this act".

5. Renumber original sections 4 to 9 as sections 5 to 10, respectively.

Messrs. Kahle, Maresh, and Sieck asked unanimous consent to print the following amendment to LB 529 in the Journal. No objections. So ordered.

(Amendments to Standing Committee Amendments Req 2245)

1. On page 3, line 24 strike "an application", show as stricken; and in line 25 after "commission" insert "a financial statement compiled by a person or firm holding a permit granted by the Nebraska State Board of Public Accountancy and an application".

2. On page 10, line 14, after "seller" insert "except as otherwise provided by an agreement or contract between the parties".

3. On page 14, line 22 after "shall" insert "(1)"; in line 23 strike "(1)"; and strike lines 25 through 27 and insert "have identification issued by the commission that shall be appropriately affixed on the vehicle to be easily visible from the outside identifying the vehicle as one owned by a licensed grain buyer who is approved by the commission,".

4. On page 15, line 1, strike the new matter and after "or" insert "have"; in line 15 strike "twenty-five" and insert "twelve"; in line 21 strike "twenty-five" and insert "twelve"; and in line 25 strike "one hundred" and insert "fifty-two".

5. Strike section 10.

6. On page 18, line 13, after "88-507," insert

"and" and strike "and 88-519,".
7. Renumber remaining sections accordingly.

Mr. Koch asked unanimous consent to print the following amendment to LB 560 in the Journal. No objections. So ordered.

PURPOSE: To provide $149,365 General Funds to the University of Nebraska - Lincoln for the General Engineering program at Omaha.

AMENDMENT:
On page 21, in line 18, strike "144,979,801" and insert "145,123,365".
On page 23, in line 27, strike "77,186,122" and insert "77,335,487".
On page 24, in line 1, strike "77,186,122" and insert "77,335,487".

RESOLUTION

LEGISLATIVE RESOLUTION 64.

Introduced by Wesely, 26th District; Newell, 13th District.

WHEREAS, the 96th Congress enacted the Mortgage Subsidy Bond Tax Act of 1980, which was signed into law by President Carter on December 5, 1980, as Public Law 96-499; and

WHEREAS, the Mortgage Subsidy Bond Tax Act of 1980, because of its 1 percent arbitrage limitation, unfairly discriminates against the Nebraska Mortgage Finance Fund which, unlike similar agencies in other states, has not been in existence long enough to accumulate a reserve fund; and

WHEREAS, such provision of the Mortgage Subsidy Bond Tax Act of 1980, is so administratively burdensome as to nullify the action of the Nebraska Legislature in creating the Nebraska Mortgage Finance Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the 97th Congress be urged to take prompt action in amending the Mortgage Subsidy Bond Tax Act of 1980 to remove this unnecessary and unwarranted restriction.
2. That each member of the Nebraska Congressional delegation be urged to support the amendment in order that the fine record of the Nebraska Mortgage Finance Fund may be continued.
3. That the Clerk of the Legislature forward a copy of this resolution to the Speaker of the U.S. House of Representatives, the

President of the U.S. Senate, and each member of the Nebraska Congressional delegation.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. DeCamp and Fowler asked unanimous consent to add their names to LB 180. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 499. Title read. Considered.

Standing Committee amendments, Req. #2252, found in the Journal on page 1212 for the Fifty-Fourth Day were considered.

Mr. Landis renewed his pending amendment to the Standing Committee amendments found in the Journal on page 1504.

The amendment was adopted with 19 ayes, 0 nays, 28 present and not voting, and 2 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 529 in the Journal. No objections. So ordered.

Amendments to Standing Committee Amendment
Req. 2245

1. On page 16, line 27, strike the new matter and reinstate the stricken matter.

Messrs. DeCamp and Wesely asked unanimous consent to print the following amendment to LB 35 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. Insert the following new sections:

"Sec. 2. (1) The Legislature recognizes the importance of encouraging safety on the highways of the

State of Nebraska and the possibility that a motor vehicle inspection program may contribute to highway safety.

(2) The Legislature shall appoint a committee to fully examine the present motor vehicle safety inspection program and determine its effectiveness, administration, cost, and contribution to highway safety. Such examination shall include a review of information provided by the Governor and the Department of Motor Vehicles and shall be completed prior to January 1, 1982.

Sec. 3. Section 1 of this act shall become operative on July 1, 1982. The other sections shall become operative on their effective date.

2. Renumber original section 2 as section 4.

VISITORS

Visitors to the Chamber were 33 fifth grade students and teachers from the Albion Public School; and 44 fifth grade students and teachers from the Oakland, Iowa Community School.

ADJOURNMENT

At 4:12 p.m., on a motion by Mr. Rumery, the Legislature adjourned until 9:00 a.m., Tuesday, April 28, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-NINTH DAY - APRIL 28, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE FIRST SESSION

SIXTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 28, 1981

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Harold M. Onwiler, Pastor of Aldersgate United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Koch, Landis, Newell, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 11A. Placed on Select File.
LEGISLATIVE BILL 296A. Placed on Select File.
LEGISLATIVE BILL 328A. Placed on Select File.

LEGISLATIVE BILL 394. Placed on Select File as amended.
E & R amendments to LB 394:

1. In committee amendments, page 18, line 2, strike "schedule" and insert "schedules".

2. In the title, line 2, strike "section" and insert "sections 48-627 and"; in line 3 strike "section and insert "sections"; in line 4 insert "48-626, 48-628, and 48-669," after the first comma; and strike lines 5 to 8 and insert "relating to unemployment security; to change the benefit table, eligibility and disqualification provisions, and contribution rates; to provide for refund

benefits; to provide operative dates;''.

LEGISLATIVE BILL 248A. Placed on Select File.
LEGISLATIVE BILL 470. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 241, 298, 478, and 486.

MOTION - Return LB 35 to Select File

Messrs. DeCamp and Wesely moved to return LB 35 to Select File for the specific amendment found in the Journal on page 1597.

MR. NICHOL PRESIDING

Mr. Sieck moved the previous question. The question is, ''Shall the debate now close?'' The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Haberman requested a record vote on the DeCamp-Wesely motion.

Voting in the affirmative, 25:

Barrett
Beyer
Carsten
Chronister
Cope
DeCamp
Fitzgerald
Goodrich
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Labedz
Maresh
Marsh
Marvel
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Wagner
Warner
Wesely

Voting in the negative, 22:

Burrows
Chambers
Clark
Cullan
Dworak
Fenger
Fowler
Goll
Haberman
Hoagland
Kilgarin
Kremer
Lamb
Landis
Newell
Nichol
Remmers
Sieck
Stoney
Vickers
Von Minden
Wiitala

Present and not voting, 1:

Beutler

Excused and not voting, 1:

Koch

The DeCamp-Wesely motion to return to Select File prevailed with 25 ayes, 22 nays, 1 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 35. The DeCamp-Wesely specific amendment found in the Journal on page 1597 was adopted with 25 ayes, 22 nays, 1 present and not voting, and 1 excused and not voting.

Mr. Cullan requested a machine vote.

Advanced to E & R for Re-Engrossment with 34 ayes, 9 nays, 5 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendments to LB 360 in the Journal. No objections. So ordered.

(1)

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2340.)

(2)

Req. #2334

1. Insert the following new sections:

"Section 1. That section 66-401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-401. As used in sections 66-401 to 66-425:

(1) Motor vehicles shall include all automotive or self-propelled vehicles, engines, or machines, movable or immovable, except farm tractors, which are operated or propelled in whole or in part by internal combustion of one or more of the motor vehicle fuels defined in this section;

(2) Motor vehicle fuels shall include all products and fuels commonly or commercially known as gasoline, including casting head or natural gas, benzol, naphtha, and benzine with an initial boiling point under two hundred degrees Fahrenheit, except any petroleum product having an initial boiling point under two hundred degrees Fahrenheit, a ninety-five per cent distillation

(recovery) temperature in excess of four hundred sixty-four degrees Fahrenheit and having an American Society of Testing Materials research method octane number less than seventy and end or dry point of distillation of five hundred seventy degrees Fahrenheit maximum, shall not be included as motor vehicle fuels, and shall include any other liquid and such other volatile and inflammable liquids as may be produced, compounded, or used for the purpose of or as may be used for operating or propelling motor vehicles, motor boats, or aircraft, or as an ingredient in the manufacture of such fuels, except the products commonly known as kerosene oil, kerosene distillate, crude petroleum, naphtha, and benzine with a boiling point over two hundred degrees Fahrenheit, residuum gas oil, or smudge oil, and further except any petroleum product having an initial boiling point under two hundred degrees Fahrenheit, a ninety-five per cent distillation (recovery) temperature in excess of four hundred sixty-four degrees Fahrenheit and having an American Society of Testing Materials research method octane number less than seventy and end or dry point of distillation of five hundred seventy degrees Fahrenheit maximum, shall not be included as motor vehicle fuels. It shall not include the domestic alcohol content of any of the foregoing, it being specifically provided that domestic alcohol shall not be deemed to be a motor vehicle fuel for the purpose of ~~said~~ such sections, except that agricultural ethyl alcohol produced in the State of Nebraska for use as a motor vehicle fuel shall be considered a motor vehicle fuel. The term domestic alcohol means ethyl alcohol produced from agricultural commodities grown within the continental United States, and for the purpose of ~~said~~ such sections the volume of domestic alcohol blend with gasoline for motor vehicle fuel shall include the volume of any denaturant, other than gasoline, required pursuant to law. The term alcohol blend shall mean a blend of domestic ethyl alcohol in gasoline or other motor vehicle fuel, ~~said~~ such blends to contain not less than five per cent by volume of alcohol;

(3) The term dealers includes any person, firm, copartnership, company, agency, association, corporation, state, county, municipality or subdivision of either thereof, who imports or causes to be imported into the State of Nebraska, and also any person, firm, copartnership, company, agency, association, corporation, state, county, municipality, or subdivision of either thereof, who produces, refines, manufactures, or compounds such motor vehicle fuel as herein defined, any

part of which is for use, distribution, sale, or delivery in the State of Nebraska; Provided, that a refinery or pipe line terminal or barge terminal shall not be deemed a dealer as to any motor fuel sold to licensed dealers in Nebraska, or sold or delivered for use in a state other than Nebraska; and

(4) Capacity of container with respect to any tank vehicle shall mean the internal volume, less reasonable space for expansion, of all the compartments of the cargo tank thereof in which any liquid is carried. When the vehicle is loaded by meter approved by the Tax Commissioner, the Tax Commissioner may accept as the capacity the metered gallons invoiced as recorded at the place of loading and shown on the loading ticket, waybill, or manifest.

Sec. 2. That section 66-410, Revised Statutes Supplement, 1980, as amended by section 1, Legislative Bill 104, Eighty-seventh Legislature, First Session, 1981, be amended to read as follows:

66-410. At the time of filing the statement, required by section 66-409, such dealer shall, in addition to the tax imposed pursuant to sections 66-473, 66-477, and 66-478 and in addition to the other taxes provided for by law, pay a tax of ten and one half cents per gallon upon all motor vehicle fuels as shown by such statement. Effective January 1, 1978, agricultural ethyl alcohol produced and sold in the State of Nebraska for use as a motor vehicle fuel and gasoline sold in Nebraska which contains a minimum of ten per cent blend of an agricultural ethyl alcohol whose purity shall be at least ninety-nine per cent alcohol, excluding denaturant, shall be subject to a state motor fuel tax which is five cents per gallon less than gasoline which does not contain such a blend. Such dealers shall remit such tax to the Tax Commissioner.

Sec. 5. That section 66-428, Revised Statutes Supplement, 1980, as amended by section 2, Legislative Bill 104, Eighty-seventh Legislature, First Session, 1981, be amended to read as follows:

66-428. In addition to the tax imposed pursuant to sections 66-473, 66-477, and 66-478, there is hereby levied and imposed an excise tax of ten and one half cents per gallon upon the use of all motor vehicle fuels, as defined by section 66-401, used in this state, and due the State of Nebraska under the provisions of section 66-410 or Chapter 66, article 6; Provided, that such excise tax after June 1, 1979, shall be five cents per gallon less on agricultural ethyl alcohol produced in the State of Nebraska for use as a motor vehicle fuel and on motor vehicle fuel containing a minimum of ten per cent blend of agricultural ethyl alcohol whose purity shall be at least ninety-nine per cent alcohol, excluding denaturant, than on motor vehicle fuel which does not contain such a blend. Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.”.

2. In lieu of Standing Committee amendment 7 on page 5, line 1, strike “66-441” and insert “66-401, 66-410.03, 66-441,”; in line 2 strike “and”; in line 3 after the last comma insert “and sections 66-410 and 66-428, Revised Statutes Supplement, 1980, as amended by sections 1 and 2, respectively, Legislative Bill 104, Eighty-seventh Legislature, First Session, 1981, and also sections 66-504 and 66-634, Reissue Revised Statutes of Nebraska, 1943,”.

3. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 65.

Introduced by Wesely, 26th District; Fowler, 27th District; Warner, 25th District; Beutler, 28th District; Landis, 46th District; Marsh, 29th District.

WHEREAS, the federal Veteran’s Administration is considering consolidation of its fifty-eight claims offices across the United States into three large regional offices; and

WHEREAS, federal officials are considering locating one of the regional offices in the Brandeis building in Lincoln, Nebraska; and

WHEREAS, Nebraska would be an excellent location for such a regional office as the state is centrally located within the continental United States; and

WHEREAS, the central regional office would employ in excess of three thousand persons which would be an economic asset to the state; and

WHEREAS, the Brandeis building would provide excellent office space for the central regional Veteran’s Administration office; and

WHEREAS, the City of Lincoln would provide an excellent location which would meet the housing and other needs of such an office’s employees; and

WHEREAS, the location of the central regional office in Lincoln would be a great benefit to the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Veteran's Administration be urged to locate their central regional office in the Brandeis building in Lincoln, Nebraska.
2. That the Clerk of the Legislature forward a copy of this resolution to the Veteran's Administration, to each member of the Nebraska Congressional delegation and to President Reagan.

Laid over.

MOTION - Return LB 132 to Select File

Mr. Beutler moved to return LB 132 to Select File for the following specific amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2348.)

Mr. Beutler requested a record vote on his motion.

Voting in the affirmative, 10:

Beutler
Dworak
Fowler
Hoagland
Johnson, V.
Kilgarin
Landis
Marsh
Pirsch
Vickers

Voting in the negative, 25:

Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Goll
Haberman
Hefner
Johnson, L.
Kremer
Maresh
Marvel
Newell
Nichol
Peterson, H.
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Warner
Wesely

Present and not voting, 13:

Barrett
Burrows
Chambers
Fenger
Fitzgerald
Goodrich
Higgins
Kahle
Labedz
Lamb
Peterson, R.
Wagner
Wiitala

Excused and not voting, 1:

Koch

The Beutler motion to return to Select File lost with 10 ayes, 25 nays, 13 present and not voting, and 1 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Beutler moved to return LB 132 to Select File for the following specific amendment:

(Second Final Reading Copy)

1. Insert the following new section:

"Sec. 49. (1) A municipality which desires to become part of the agency shall obtain voter approval prior to adopting an ordinance pursuant to section 20 of this act if (a) the municipality is required to obtain voter approval prior to the exercise of the power of eminent domain or the issuance of bonds for the acquisition or construction of a sewerage, solid waste disposal, or waterworks project and (b) such agency has the power to exercise eminent domain or issue bonds to acquire or construct a sewerage, solid waste disposal, or waterworks project.

(2) A municipality which is not a member of the agency shall obtain voter approval prior to entering into an agreement with the agency pursuant to section 47 of this act is (a) the municipality is required to obtain voter approval prior to the exercise of the power of eminent domain or the issuance of bonds for the acquisition or construction of a sewerage, solid waste disposal, or waterworks project and (b) the agreement provides for or may result in the agency exercising the power of eminent domain or issuing bonds for acquiring or constructing a sewerage, solid waste disposal, or waterworks project.".

2. On page 32, line 20, strike "51 to 62" and insert "53 to 63".

3. On page 37, line 26, and page 44, line 27, strike "50 to 62" and insert "51 to 63".

4. On page 47, line 37, strike "61 to 80" and insert "62 to 81".

5. On page 48, line 13, strike "52 to 62" and insert "53 to 63".

6. Renumber sections 49 to 87 as sections 50 to 88, respectively.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler motion to return to Select File lost with 7 ayes, 27 nays, 13 present and not voting, and 2 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 132. With Emergency.

A BILL FOR AN ACT to adopt the Municipal Cooperative Financing Act; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Barrett
Beutler
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Kremer
Labedz
Landis
Maresh
Marsh
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 3:

Cullan
Lamb
Warner

Present and not voting, 3:

Beyer
Chambers
Johnson, V.

Excused and not voting, 2:

Koch
Nichol

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 249.

A BILL FOR AN ACT relating to the Department of Health; to amend sections 71-2609, 71-2610, 81-102, 81-108, and 81-109, Reissue Revised Statutes of Nebraska, 1943; to provide for appointment of the

Director of Health; to change duties and authority of the director and the State Board of Health; to provide duties for the Revisor of Statutes; and to repeal the original sections, and also sections 71-2604, 71-2608, and 71-2612 to 71-2616, Reissue Revised Statutes of Nebraska, 1943, and section 71-2611, Revised Statutes Supplement, 1980.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

Barrett
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Lamb
Maresh
Marsh
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner

Voting in the negative, 11:

Beutler
Fowler
Hoagland
Kilgarin
Labedz
Landis
Marvel
Newell
Vickers
Wesely
Wiitala

Present and not voting, 3:

Beyer
Chambers
Johnson, V.

Excused and not voting, 2:

Koch
Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 477. Mrs. Pirsch asked unanimous consent to pass over. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 284A in the Journal. No objections. So ordered.

(FINAL READING COPY)

1. On page 2, lines 3 and 4 and lines 15 and 16, strike "Political Subdivision Property Tax Relief" and insert "Local Government Revenue"; On lines 5 and 17, strike "142" and insert "145".

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 28, 1981, at 9:40 a.m., were the following bills: 486, 478, 298, and 241.

(Signed) Hazel Kaltenberger, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Burrows asked unanimous consent to print the following amendment to LB 184 in the Journal. No objections. So ordered.

1. On page 5, line 12, strike beginning with "incorporated" through "Nebraska".

2. On page 6, line 10, after the period insert "Irrigation development shall be considered a farming purpose.".

3. On page 7, line 1, strike "or"; in line 2 strike the period and insert "; or"; and after line 2 insert a new subdivision as follows:

"(11) A corporation organized and existing under the Nebraska Nonprofit Corporation Act, having its principal place of business within the State of Nebraska, and exempt from taxation under Section 501 (c) (3) of the Internal Revenue Code.".

MR. KAHLE PRESIDING

SELECT FILE

LEGISLATIVE BILL 134. Mr. Fenger renewed his pending motion to indefinitely postpone found in the Journal on page 1508 and considered on page 1571.

Motion pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Maresh asked unanimous consent to print the following amendment to LB 560 in the Journal. No objections. So ordered.

1. On page 21, line 18, strike “144,979,801” and insert “145,044,703”.
2. On page 23, line 27, strike “77,186,122” and insert “77,333,622”.
3. On page 24, line 1, strike “77,186,122” and insert “77,333,622”.

VISITORS

Visitors to the Chamber were 10 students, teachers, and adults from Elkhorn Valley School, Tilden; 22 fifth grade students, teacher, and adults from Stromsburg Elementary, Stromsburg; 49 fifth grade students, teachers, and principal from Springfield Elementary, Springfield; 3 students from Papillion High School, Papillion; 36 students and teachers from CETA, Omaha; 70 fourth grade students and teachers from Hamlow Elementary, Waverly; 4 students, teacher, and adult from District #136, Thedford; Senator Burrow's sister and husband, Mr. and Mrs. Clyde Young from Eugene, Oregon; and 14 students and teacher from Adams Public School, Adams.

RECESS

At 11:57 a.m., on a motion by Mr. Chambers, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Miss Kilgarin, Messrs. Beutler, Chambers, Cullan, and Newell who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 404. Title read. Considered.

Standing Committee amendments found in the Journal on page 1216 for the Fifty-Fourth Day were considered.

Mr. Fowler renewed his pending amendment to the Standing Committee amendments found in the Journal on page 1521.

The amendment was adopted with 17 ayes, 4 nays, 23 present and not voting, and 5 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 4 nays, 17 present and not voting, and 3 excused and not voting.

MR. NICHOL PRESIDING

Mr. Wiitala moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Advanced to E & R for Review with 25 ayes, 11 nays, 12 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 562 in the Journal. No objections. So ordered.

1. Insert a new section as follows:

"Sec. 3. Program 943. The Department of Public Institutions is hereby authorized to renovate the headquarters facility of the Division of Rehabilitation Services for the Visually Impaired. There is hereby appropriated $500,000 from the State Building Fund for the fiscal year ending June 30, 1982, to renovate the headquarters facility.".

2. Renumber remaining sections accordingly.

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

LB 523 Thursday, May 7, 1981 7:00 p.m.
(Congressional Reapportionment)

(Signed) Elroy Hefner, Chairperson

GENERAL FILE

LEGISLATIVE BILL 522. Title read. Considered.

Standing Committee amendments found in the Journal on page 1218 for the Fifty-Fourth Day were considered.

SPEAKER MARVEL PRESIDING

Mr. Wesely moved for a Call of the House. The motion prevailed with 7 ayes, 1 nay, and 41 not voting.

The Standing Committee amendments were adopted with 27 ayes, 7 nays, 14 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 7 ayes, 3 nays, and 39 not voting.

Mr. V. Johnson requested a roll call vote to advance the bill.

Voting in the affirmative, 22:

Beutler
Burrows
Fitzgerald
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Pirsch
Rumery
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 24:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Dworak
Fenger
Goll
Haberman
Hefner
Johnson, L.
Koch
Kremer
Lamb
Maresh
Peterson, H.
Peterson, R.
Remmers
Schmit
Stoney
Von Minden
Wagner
Warner

Present and not voting, 1:

DeCamp

Excused and not voting, 1:

Cullan

Absent and not voting, 1:

Chambers

Failed to advance to E & R for Review with 22 ayes, 24 nays, 1 present and not voting, 1 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

ANNOUNCEMENT

Mr. Maresh announced the Business and Labor Committee will meet in executive session Thursday, April 30, 1981 upon adjournment under the North Balcony.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 402. Placed on General File as amended. Standing Committee amendments to LB 402:

Req. #2345

1. On page 2, line 3, after "or" insert "tendering a plea of" and before "attorney" insert "county"; in lines 12 and 18 strike "prosecuting" and insert "county".

2. On page 3, strike beginning with the colon in line 10 through line 19 insert: "determine whether the sentence imposed is excessively lenient, having regard for:

(1) The nature and circumstances of the offense;

(2) The history and characteristics of the defendant;

(3) The need for the sentence imposed:

(a) To afford adequate deterrence to criminal conduct;

(b) To protect the public from further crimes of the defendant;

(c) To reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; and

(d) To provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; and

(4) Any other matters appearing in the record which the court shall deem pertinent.".

3. Insert a new section as follows:

"Sec. 4. Upon consideration of the criteria enumerated in section 3 of this act, the Supreme Court shall:

(1) If it determines that the sentence imposed is excessively lenient, set aside the sentence, and:

(a) Remand the cause for further sentencing proceedings; or

(c) Impose a greater sentence; or

(2) If it determines that the sentence imposed is

not excessively lenient, affirm the sentence.".

4. On page 3, line 24, strike "3" and insert "4".

5. Renumber original sections 4 and 5 as sections 5 and 6, respectively.

LEGISLATIVE BILL 525. Placed on General File as amended.
Standing Committee amendments to LB 525:

1. On page 2, line 5, strike "prosecutor" and insert "county attorney or other prosecuting attorney".

2. Insert the following new section:

"Sec. 2. A county attorney or other prosecuting attorney may request an order pursuant to section 1 of this act, when in his or her judgment:

(1) The testimony or other information from such individual may be necessary to the public interest; and

(2) Such individual has refused or is likely to refuse to testify or provide other information on the basis of his or her privilege against self-incrimination.".

3. Renumber original section 2 as section 3.

LEGISLATIVE BILL 189. Indefinitely postponed.
LEGISLATIVE BILL 339. Indefinitely postponed.
LEGISLATIVE BILL 532. Indefinitely postponed.

(Signed) William E. Nichol, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 404 in the Journal. No objections. So ordered.

Req. #2347

1. Underscore original sections 1 to 26.

2. On page 4, line 16, strike "Commission" and insert "Committee"; strike beginning with "Nebraska" in line 16 through "Aging" in line 17 and insert "Department on Aging Advisory Committee"; and in line 22 strike "commission pursuant to section 12 of this act" and insert "Governor, with the advice and consent of the Legislature.

3. On page 5, line 3, strike "powers and"; in line 4 strike "commission shall" and insert "committee shall advise the Department on Aging regarding"; in line 5 strike "Review and approve the" and insert "The"; line 7 strike "Review and approve policies" and insert "Policies"; in line 9 strike "Study, survey, and assess the" and insert "The"; strike beginning with "Establish" in line 11 through the first "the" in line 13 and insert

“The”; in line 15 strike “Review and approve such” and insert “Such”; strike line 17 and insert “(6) A”; in line 18 strike the semicolon and insert “for submission to the Legislature by the department.”; strike lines 19 and 20; in line 21 strike “(8) Act” and insert “The committee shall also act”.

4. On page 6, line 5, strike “cooperte” and insert “cooperate”; and in line 10 strike “commission” and insert “department”.

5. On page 7, after line 4 insert:

“(10) To adopt and submit to the Legislature a community aging services budget;”; in line 5 strike “(10)” and insert “(11)”; in line 17 strike “(11)” and insert “(12)”; in line 21 strike “(12)” and insert “(13); in line 25 strike “(13) and insert “(14)”; in line 27 strike “and”; and after line 27 insert:

“(15) Report and make recommendations to the Governor and the Legislature on the activities of the department and the committee and improvements or additional resources needed to promote the general welfare of the aging in Nebraska; and”.

6. On page 8, line 1, strike “(14)” and insert “(16)”; and in line 6 strike “commission” and insert “Governor”.

7. Insert the following new sections:

“Sec. 27. That section 68-1101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1101. There is hereby created the ~~Nebraska Commission on Aging which~~ Department of Aging Advisory Committee. The members of the Nebraska Commission on aging serving on the effective date of this act shall be the initial members of such committee. The committee shall consist of twelve members two from each of five districts provided for by section 68-1102 and two from the state at large. In making the initial appointments one member from each district and one member at large shall be appointed for two years and one member from each district and one member at large shall be appointed for four years. As the terms of the members expire, the Governor shall on or before March 1 of each year, appoint or reappoint a member of the committee for a term of four years to succeed the member whose term expires. The members to be appointed must be residents of the district from which they are appointed. Any vacancy on the committee shall be filled for the unexpired term. A vacancy shall exist when a member of the committee ceases to be a resident of the district from which he or she was appointed or reappointed.

Sec. 28. That section 68-1103, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

68-1103. Members of the ~~Nebraska Commission on Aging~~ Department of Aging Advisory Committee shall meet within thirty days after their appointment to select from the members of the committee a ~~chairman~~ chairperson, and such other officers as committee members deem necessary, who shall serve for a period of two years. The committee shall elect a new ~~chairman~~ chairperson every two years thereafter. The committee shall meet at regular intervals at least once each year and may hold special meetings at the call of the ~~chairman~~ chairperson or at the request of a majority of the members of the committee. The committee shall meet at the seat of government or such other place as the members of the committee may designate.

Sec. 29. That section 68-1104, Revised Statutes Supplement, 1980, be amended to read as follows:

68-1104. ~~It shall be the duty of the commission to~~ The Department of Aging Advisory Committee shall advise the Department on Aging regarding:

(1) ~~Collect~~ The collection of facts and statistics and ~~make~~ special studies of conditions and problems pertaining to the employment, health, financial status, recreation, social adjustment, or other conditions and problems pertaining to the general welfare of the aging of the state;

(2) ~~Make recommendations~~ Recommendations to state and local agencies serving the aging for purposes of coordinating such agencies' activities, and ~~request and receive~~ reports from the various state agencies and institutions on matters within the jurisdiction of the ~~commission~~ committee;

(3) ~~Keep informed of the~~ The latest developments of research, studies, and programs being conducted throughout the nation on the problems and needs of the aging;

(4) ~~Serve as a central agency and advisory board for the~~ The mutual exchange of ideas and information on the aging between federal, state, and local governmental agencies, private organizations, and individuals;

(5) ~~Cooperate~~ Cooperation with agencies, federal, state, and local, or private organizations, in administering and supervising demonstration programs of services for aging designed to foster continued participation of older people in family and community life and to prevent insofar as possible the onset of dependency and the need for long-term institutional care; and

(6) ~~Report~~ Reports and ~~make~~ recommendations made

by the department to the Governor and the Clerk of the Legislature on the activities of the ~~commission~~ department and committee and improvements and additional resources needed to promote the general welfare of the aging in Nebraska.

Each member of the Legislature shall receive a copy of the report required by subdivision (6) of this section by making a request for it to the chairperson.

The ~~commission~~ committee shall have the power to create special committees to undertake such special studies as members of the ~~commission~~ committee shall authorize and may include ~~noncommission~~ noncommittee members who are qualified in any field of activity related to the general welfare of the aging in the membership of such committees.

Sec. 30. That section 68-1105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1105. The members of the ~~Nebraska Commission on Aging~~ Department on Aging Advisory Committee, and ~~noncommission~~ noncommittee members serving on special committees, shall receive no compensation for their services other than reimbursement for actual and necessary expenses as provided in sections 84-306.01 to 84-306.05 for ~~on the same basis as full time~~ state employees. ~~Commission~~ Committee expenses and any office expenses shall be paid from funds made available to the ~~commission~~ committee by the Legislature.

Sec. 31. That section 81-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-102. The Governor shall appoint heads for the various departments, subject to confirmation by a majority vote of the members elected to the Legislature. Such appointments shall be submitted to the Legislature within sixty calendar days following the first Thursday after the first Tuesday in each odd-numbered year. The officers shall be designated as follows: (1) The Director of Agriculture for the Department of Agriculture; (2) the Commissioner of Labor for the Department of Labor; (3) the members of the State Board of Health of the Department of Health; (4) the Director-State Engineer for the Department of Roads; (5) the Director of Water Resources for the Department of Water Resources; (6) the Director of Banking and Finance for the Department of Banking and Finance; (7) the Director of Insurance for the Department of Insurance; (8) the Director of Motor Vehicles for the Department of Motor Vehicles; (9) the Director of Public Welfare for the Department of Public Welfare; (10) the Director of

Public Institutions for the Department of Public Institutions; (11) the Director of Administrative Services for the Department of Administrative Services; (12) the Director of Correctional Services for the Department of Correctional Services; ~~and~~ (13) the Director of Economic Development for the Department of Economic Development; and (14) the Director of the Department on Aging. Whoever shall be so nominated by the Governor and shall fail to receive the number of votes requisite for confirmation, shall not be subject to nomination or appointment for this or any other appointive state office requiring confirmation by the Legislature during the period for which his or her appointment was sought. In case of a vacancy in any of such offices during the recess of the Legislature, the Governor shall make a temporary appointment until the next meeting of the legislature, when he or she shall nominate some person to fill such office. Any person so nominated who is confirmed by the Legislature, shall hold his or her office during the remainder of the term if a specific term has been provided by law, otherwise during the pleasure of the Governor subject to the provisions of this section; Provided, any such officers may be removed by the Governor pursuant to Article IV of the Constitution of Nebraska.

Sec. 32. Whenever the words Nebraska Commission on Aging appear in the statutes, other than in sections of this act, after the effective date of this act, they shall be construed to mean and apply to the Department on Aging Advisory Committee. The Revisor of Statutes is authorized and directed to substitute the words Department on Aging Advisory Committee for Nebraska Commission on Aging in accordance with this act.

Sec. 33. That original sections 68-1101, 68-1103, 68-1105, and 81-102, Reissue Revised Statutes of Nebraska, 1943, and section 68-1104, Revised Statutes Supplement, 1980, are repealed.”.

GENERAL FILE

LEGISLATIVE BILL 213. Title read. Considered.

Standing Committee amendments, Req. #2279, found in the Journal on page 1310 for the Fifty-Seventh Day were considered.

Mr. Nichol offered the following amendment to the Standing Committee amendments:

1. In the committee amendments on page 1, line 2, strike “6” and insert “9”.

2. Strike amendment 2.
3. Renumber the original repeal section as section 8.

The amendment was adopted with 18 ayes, 0 nays, 30 present and not voting, and 1 excused and not voting.

Mr. Hoagland renewed his pending amendment, Req. #2335, to the Standing Committee amendments found in the Journal on page 1544.

The amendment was adopted with 21 ayes, 0 nays, 27 present and not voting, and 1 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

MR. NICHOL PRESIDING

Advanced to E & R for Review with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Schmit and Wesely asked unanimous consent to print the following amendment to LB 389 in the Journal. No objections. So ordered.

1. On page 3, line 12, before the second "or" insert "educational programs,".

VISITORS

Visitors to the Chamber were Kristi Kammerer from Republican City; Senator Remmers' sister, Irene Warnke, Long Beach, California and Alma Warnke, Lincoln; 14 students and teachers from District #1-R, Clarkson; Wolfgang Fischer, Munich, West Germany; 15 students and teachers from Lyons Public School, Lyons; and 23 eighth grade students and teachers from St. Joan of Arc, Omaha.

ADJOURNMENT

At 4:18 p.m., on a motion by Mrs. Marsh, the Legislature adjourned until 9:00 a.m., Wednesday, April 29, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTIETH DAY - APRIL 29, 1981

LEGISLATIVE JOURNAL

SEVENTIETH DAY - APRIL 29, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 29, 1981

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. James C. Couser, All Saints Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hoagland who was excused; and Miss Kilgarin, Mrs. Pirsch, Messrs. Beutler, Beyer, Chambers, Fowler, Newell, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1601, line 15, after "Warner" insert "and Mr. Carsten".
After line 19, insert "Mr. Warner asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.".
The Journal for the Sixty-Ninth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 512. Placed on Select File as amended.
E & R amendments to LB 512:

1. On page 19, line 13, strike ". But," and insert ", but".
2. On page 21, line 27, strike the comma and insert a semicolon.
3. On page 35, line 22, insert "is" after "bond".
4. On page 36, line 2, strike the comma.
5. On page 26, line 26, strike "of" and insert "or".

LEGISLATIVE BILL 499. Placed on Select File as amended.
E & R amendments to LB 499:

1. On page 8, line 25, strike ", and" and insert "and,"; and in line 26 strike the comma.
2. On page 9, line 22, strike ", and" and insert "and,".
3. In committee amendments, page 2, line 7, insert "the second" after "after".
4. On page 15, line 15, strike "of" and insert "on".
5. On page 16, line 24, strike the comma.
6. In committee amendments, page 4, line 1, strike "age of".

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 327 and 331.

Correctly Engrossed

The following bill was correctly engrossed: 296.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Change to LB 331

The following change, required to be reported for publication in the Journal, has been made:

In the title, lines 7 and 8 have been stricken and "a development gratuity." has been inserted.

Enrollment and Review Changes to LB 327

The following changes, required to be reported for publication in the Journal, have been made:

(1) In the Schmit amendment, line 12, "the debts of a municipality" has been stricken and "debts" inserted;

(2) In the title, lines 2 to 5 have been stricken and the following inserted:

"FOR AN ACT relating to indebtedness; to change an
exemption provision; to permit bankruptcy filings
as prescribed; to amend section 44-371,
Revised Statutes Supplement, 1980; and to".

(Signed) Emory P. Burnett
E & R Attorney

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 132 and 249.

RESOLUTIONS

LEGISLATIVE RESOLUTION 66.

Introduced by Pirsch, 10th District; Koch, 12th District; Higgins, 9th District; V. Johnson, 8th District; Kilgarin, 7th District; Labedz, 5th District; Wiitala, 31st District; Hoagland, 6th District.

WHEREAS, Chief Richard R. Andersen has been a member of the Omaha Police Department for thirty years, and has been chief for fourteen of those years; and

WHEREAS, the City of Omaha has consistently maintained a low crime ratio ranking twenty-eighth or twenty-ninth out of thirty cities of comparable size in the uniform crime statistics issued quarterly by the federal government; and

WHEREAS, Chief Andersen has served on several state and federal criminal justice committees, including an appointment by the United States Attorney General to serve as a National Advisor of Criminal Justice Standards and Goals from 1971 to 1973; and

WHEREAS, Chief Andersen is retiring Friday May 1, 1981, after thirty years of dedicated service to the City of Omaha.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature wishes to honor Chief Richard R. Andersen for his thirty years of service to the City of Omaha and the State of Nebraska.
2. That the Clerk of the Legislature send a copy of this resolution to Chief Andersen on the occasion of his retirement dinner on May 1, 1981.

Laid over.

LEGISLATIVE RESOLUTION 62. Read. Considered.

LR 62 was adopted with 34 ayes, 0 nays, and 15 not voting.

LEGISLATIVE RESOLUTION 65. Read. Considered.

LR 65 was adopted with 29 ayes, 0 nays, and 20 not voting.

MOTION - Reconsider Action on LB 318

Mr. Koch renewed his pending motion to reconsider the body's action on the indefinite postponement of LB 318.

The motion prevailed with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

April 28, 1981

The Nebraska Retirement Systems Committee desires to report favorably upon the appointments to the Public Employees Retirement Board of Gretchen Gottshalk and Lloyd Kilmer.

Senator Goodrich moved and Senator Rumery seconded the motion to approve the appointment of Lloyd Kilmer.

Senator Warner moved and Senator Fowler seconded the motion to approve the appointment of Gretchen Gottshalk.

Voting for both motions were Senators Fowler, Goodrich, Rumery, and Warner. Not present were Senators Cullan and Schmit.

The Committee suggests that the appointments be confirmed by the Legislature and also suggests a record vote.

(Signed) Steve Fowler, Chairperson

SELECT FILE

LEGISLATIVE BILL 134. Mr. Fenger renewed his pending motion to indefinitely postpone found in the Journal on page 1508 and considered on pages 1571 and 1609.

The motion lost with 8 ayes, 28 nays, 8 present and not voting, and 5 excused and not voting.

Mrs. Marsh renewed her pending amendment found in the Journal on page 1540.

Mr. Dworak asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Marsh amendment lost with 17 ayes, 20 nays, 8 present and not voting, and 4 excused and not voting.

Mr. DeCamp offered the following amendment: (Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2322.)

MR. HEFNER PRESIDING

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

SPEAKER MARVEL PRESIDING

Mrs. Labedz moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mrs. Labedz requested a roll call vote on the DeCamp amendment.

Voting in the affirmative, 22:

Chronister
Clark
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Hefner
Higgins
Johnson, L.
Kahle
Labedz
Lamb
Nichol
Peterson, H.
Peterson, R.
Rumery
Schmit
Von Minden
Wagner

Voting in the negative, 22:

Barrett
Beutler
Carsten
Chambers
Cope
Fowler
Haberman
Johnson, V.
Kilgarin
Koch
Landis
Maresh
Marsh
Marvel
Newell
Pirsch
Remmers
Sieck
Stoney
Vickers
Wesely
Wiitala

Present and not voting, 3:

Burrows
Kremer
Warner

Excused and not voting, 2:

Beyer
Hoagland

The DeCamp amendment lost with 22 ayes, 22 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Chambers offered the following amendment:

Strike all new language and all references to contributions. Insert:

"No candidate for any office shall accept any contribution from any person for any purpose. No candidate shall spend more than $250 in any campaign for any office."

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Chambers
Cullan
Fenger
Higgins
Kilgarin
Labedz
Landis
Maresh
Marsh
Newell
Rumery
Schmit
Stoney
Vickers
Von Minden
Wiitala

Voting in the negative, 30:

Barrett
Beutler
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Dworak
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Lamb
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Sieck
Wagner
Warner
Wesely

Present and not voting, 1:

Goll

Excused and not voting, 2:

Beyer
Hoagland

The Chambers amendment lost with 16 ayes, 30 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. L. Johnson renewed his pending amendment found in the Journal on page 1571.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The L. Johnson amendment was adopted with 29 ayes, 2 nays, 16 present and not voting, and 2 excused and not voting.

Mr. Fenger asked unanimous consent to withdraw his pending amendment found in the Journal on page 1575. No objections. So ordered.

Mr. Haberman offered the following amendment:
Req. #2351

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 49-1409, Revised Statutes Supplement, 1980, be amended to read as follows:

49-1409. (1) ~~Candidate~~ Except as provided in subsections (2) and (3) of this section, candidate shall mean an individual: (a) Who files, or on behalf of whom is filed, a fee, affidavit, nomination papers, or nominating petition for an elective office; (b) whose nomination as a candidate for elective office by a political party caucus, committee, or convention is certified to the appropriate filing official; (c) who is an officeholder who is the subject of a recall vote; or (d) who receives a contribution, makes an expenditure, or gives consent for another person to receive a contribution or make an expenditure with a view to bringing about the individual's nomination or election to an elective office, whether or not the specific elective office for which the individual will seek nomination or election is known at the time the contribution is received or the expenditure is made. An elected officeholder shall, if eligible under law, be considered to be a candidate for reelection to that same office for the purposes of sections 49-1401 to 49-14,138 only.

(2) Candidate shall not include any person within the meaning of Section 301(b) of the Federal Election Campaign Act of 1971, as amended.

(3) Candidate shall not include any person not required to file a statement pursuant to section 49-1493.

Sec. 2. That section 49-1493, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1493. The individuals listed in subdivisions

(1) to (10) of this section shall file with the commission a statement of financial interests as provided in sections 49-1496 and 49-1497 for the preceding calendar year on or before April 1 of each year in which such individual holds such a position. An individual who leaves office shall, within thirty days after leaving office, file a statement covering the period since the previous statement was filed. Disclosure of the interest named in sections 49-1496 to 49-1498 shall be made by:

(1) An individual holding a state executive office as provided in Article IV, Constitution of Nebraska, including the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, Tax Commissioner, and the heads of such other executive departments as set forth in the Constitution or as may be established by law;

(2) An individual holding the office of Commissioner of Education, member of the State Board of Education, or member of the Board of Regents of the University of Nebraska;

(3) A member of the Board of Parole;

(4) A member of the Public Service Commission;

(5) A member of the Legislature;

(6) A salaried member of the board of directors or an officer of a district organized under the provisions of Chapter 70;

(7) A salaried member of any board or commission of the state or any county which examines or licenses a business, trade, or profession, or which determines rates for or otherwise regulates a business;

(8) A salaried member of a land-use planning commission, zoning commission, or authority of the state; and ~~or any county;~~

~~(9) An elected county official; and~~

~~(10)~~ (9) An ~~official or~~ employee or salaried official of the state designated by rules and regulations of the commission, who is responsible for taking or recommending official action of a nonministerial nature with regard to:

(a) Contracting or procurement;

(b) Administering or monitoring grants or subsidies;

(c) Land-use planning or zoning;

(d) Inspecting, licensing, regulating, or auditing any person; or

(e) Any similar action.

Sec. 3. That original section 49-1493, Reissue Revised Statutes of Nebraska, 1943, and section 49-1409, Revised Statutes Supplement, 1980, are repealed.".

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 5 nays, and 23 not voting.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wiitala moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Mr. Maresh asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved for a Call of the House. The motion prevailed with 16 ayes, 12 nays, and 21 not voting.

Mr. Haberman requested a roll call vote.

Voting in the affirmative, 17:

Carsten
Cullan
Fitzgerald
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kremer
Lamb
Marvel
Nichol
Peterson, H.
Remmers
Schmit
Von Minden
Wagner

Voting in the negative, 22:

Barrett
Beutler
Burrows
Chambers
Cope
DeCamp
Dworak
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Pirsch
Rumery
Stoney
Vickers
Warner
Wesely
Wiitala

Present and not voting, 5:

Chronister
Fenger
Goll
Peterson, R.
Sieck

Excused and not voting, 4:

Beyer
Fowler
Hoagland
Maresh

Absent and not voting, 1:

Clark

The Haberman amendment lost with 17 ayes, 22 nays, 5 present and not voting, 4 excused and not voting, and 1 absent and not voting.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 29, 1981, at 10:42 a.m., were the following bills: 249 and 132.

(Signed) Jan Loder, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 466 in the Journal. No objections. So ordered.

Req. #2353

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 28-335, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-335. (1) The performing of an abortion by any person other than a licensed physician is a Class IV felony.

(2) The performing of an abortion during the second trimester of pregnancy at any place other than a hospital is a Class IV felony.

Sec. 2. That original section 28-335, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. Warner asked unanimous consent to print the following amendment to LB 506 in the Journal. No objections. So ordered.

AMENDMENTS TO REQ. 2331

1. On page 1, line 15, strike "There shall be appropriated" and insert "The Legislature shall appropriate"; in line 17 strike "equivalent to" and insert "of not more than"; in line 19 after "appropriated" insert "from the General Fund"; in line 24 strike "to" and insert "for research of cancer and smoking diseases. The University of Nebraska may receive such grants and contracts and other"; and in line 25 after "Nebraska" insert "may receive such contracts" and strike "Such".

2. On page 2, strike lines 1 and 2.

Mr. Kremer asked unanimous consent to print the following amendment to LB 146 in the Journal. No objections. So ordered.

Req. #2349

1. Insert a new section as follows:

"Sec. 11. That section 46-673, Revised Statutes Supplement, 1980, be amended to read as follows:

46-673. Each district encompassed in whole or in part by a control area designated pursuant to subdivision (1)(a) or (1)(b) of section 46-658 shall have the power and authority to levy a tax not to exceed ~~nine-tenths of one cent~~ one and eight-tents cents on each one hundred dollars annually on all of the taxable property within the portion of the district encompassed by such control area, except that if any land is designated as a control area under both subdivision (1)(a) and subdivision (1)(b) of section 46-658 the tax levied shall not exceed two and seven-tenths cents on each one hundred dollars annually. Such levy, which shall be in addition to that authorized by section 2-3225, shall be utilized only for the costs of carrying out the provisions of sections 46-656 to 46-674 and section 10 of this act, within such control area. Certification and collection of such levy shall be administered by the district and by the county or counties involved in the same manner as the levy authorized by section 2-3225.".

2. On page 16, line 3, strike "and 46-666" and insert "46-666, and 46-673".

3. Renumber remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 11 in the Journal. No objections. So ordered.

1. On page 12, line 7, strike "audit" and insert "review and approve".

2. On page 9, line 1, strike "and" and in line 4 after "program" insert "; and

(8) Prohibit funds collected by the board from being expended directly or indirectly to promote or oppose any candidate for public office or to influence legislation".

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 556. Placed on General File as amended. Standing Committee amendments to LB 556:

1. Insert the following new section:

"Sec. 3. A state employee covered under the group health insurance program pursuant to sections 44-1620 to 44-1632 shall be offered special insurance coverage for abortion, as defined in section 28-326, when the cost for such abortion coverage is borne solely by such employee.”.

2. Renumber original sections 3 to 5 as sections 4 to 6, respectively.

(Signed) Jerome Warner, Chairperson

VISITORS

Visitors to the Chamber were 30 students, teachers, and sponsors from Fairmont School, Fairmont; 60 students and teachers from Dorchester Public School, Dorchester; 49 twelfth grade students and teacher from York High, York; 48 twelfth grade students and instructor from Roncalli High School, Omaha; 60 fourth grade students, teachers, principal, and sponsors from Mary Our Queen, Omaha; 17 students and instructor from Rising City High, Rising City; 11 students and teachers from Lawrence Public School; and 47 students and teachers from Gates Elementary School, Grand Island.

RECESS

At 12:01 p.m., on a motion by Mr. Landis, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Hefner, and Hoagland who were excused; and Messrs. Beyer, Goodrich, Lamb, and Newell who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 134. Mr. Schmit offered the following amendment:

Req. #2352

1. Insert the following new section:

“Section 1. That section 49-1434, Revised Statutes Supplement, 1980, be amended to read as follows:

49-1434. (1) Principal shall mean a person who authorizes a lobbyist to lobby in behalf of that principal.

(2) Lobbyist shall mean a person who is authorized to lobby on behalf of a principal, and shall

include an officer, agent, attorney, or employee of the principal whose regular duties include lobbying.

(3) Principal or lobbyist shall not include:

(a) A public official or employee of a branch of state government except the University of Nebraska, or an elected official of a political subdivision who is acting in the course or scope of his or her office or employment;

(b) Any publisher, owner, or working member of the press, radio, or television while disseminating news or editorial comment to the general public in the ordinary course of business;

(c) An employee of a principal or lobbyist whose duties are confined to typing, filing, and other types of clerical office work;

(d) Any person, except as provided in subsection (4) of this section, who limits his or her activities (i) to appearances before legislative committees and who so advises the committee at the time of his or her appearance whom he or she represents or that he or she appears at the invitation of a named member of the Legislature or at the direction of the Governor, or (ii) to writing letters or furnishing written material to individual members of the Legislature or to the committees thereof who furnishes to the Clerk of the Legislature a copy of such letter or written material for public inspection; or

(e) Any individual who does not engage in lobbying for another person, as defined in section 49-1438.

(4) Lobbyist shall include any person except a political candidate or candidate campaign committee who solicits funds or support, collects dues, or expends money when such solicitation, collection, or expenditure is in excess of one thousand dollars and such person uses such funds to influence any political issue within the State of Nebraska.".

2. On page 6, line 16, strike "section" and insert "sections 49-1434 and".

3. Renumber original sections 1 to 4 as sections 2 to 5, respectively.

Mr. Beutler offered the following amendment to the Schmit amendment:

Amend Schmit amendment by adding a severability clause.

The Beutler amendment was adopted with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

The Schmit amendment, as amended, was adopted with 26 ayes, 8 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Schmit offered the following amendment:
New Section:

Any candidate, who is also an attorney, shall not invoke the attorney/client privilege to circumvent the provisions of the Nebraska Political Accountability and Disclosure Act, but shall be required to disclose the same information as any other candidate is required to disclose under such act.

MR. NICHOL PRESIDING

Mr. Newell offered the following amendment to the Schmit amendment:

Strike "also an attorney" and insert professionals
in line 2. strike "attorney".

The Newell amendment lost with 3 ayes, 14 nays, 28 present and not voting, and 4 excused and not voting.

Mr. Wiitala moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

The Schmit pending amendment was adopted with 25 ayes, 12 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Schmit offered the following amendment to LB 134:
1. Insert a new section to read as follows:

Sec. . The campaign statement of a committee shall disclose the amount of noncash contributions received, including the value of services provided without compensation by any individual who volunteers to provide services on behalf of a candidate or political committee for more than four hours during a year. The full name and mailing address of each person providing such services shall be included. The services shall be valued on the basis of wages paid in the area by private industry for comparable service and shall not in any case be valued at less than the existing minimum wage established by the federal government. Noncash contributions shall also include the use of real or personal property including a church, business, or community room used on a regular basis by members of a community for noncommercial purposes, and the costs of invitations, food, and beverages, voluntarily provided by a person to a candidate or political committee for candidate or committee related activities, to the extent that the cumulative value of such invitations, food, and beverages provided by such person on behalf of any single candidate or committee exceeds fifty dollars in any single calendar year;

Mr. Cullan asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. V. Johnson offered the following amendment to the Schmit amendment:

Strike the word "four" in line 6 and inserting in the same place the word "twenty".

SPEAKER MARVEL PRESIDING

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The V. Johnson amendment was adopted with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Wiitala offered the following amendment to the Schmit amendment:

Strike lines 3 through 12, ending with government. Also strike the word "also in line 13.

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Wiitala moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Wiitala requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Beutler
Burrows
Chambers
Cope
Fitzgerald
Fowler
Goodrich
Kilgarin
Koch
Landis
Marsh
Newell
Nichol
Pirsch
Rumery
Sieck
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 19:

Chronister
Clark
DeCamp
Dworak
Haberman
Higgins
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Maresh
Marvel
Peterson, H.
Remmers
Schmit
Von Minden
Warner

Present and not voting, 6:

Barrett
Carsten
Fenger
Goll
Peterson, R.
Wagner

Excused and not voting, 4:

Beyer
Cullan
Hefner
Hoagland

The Wiitala amendment lost with 20 ayes, 19 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Beutler offered the following amendment to the Schmit amendment:

(1)

By deleting everything including and after the word "Noncash" in line 12.

The Beutler amendment (1) was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Beutler offered the following amendment to the Schmit amendment:

(2)

By dropping the words "the amount of noncash contributions received including" in lines 2 and 3.

The Beutler amendment (2) was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

The Schmit amendment, as amended, was adopted with 26 ayes, 4 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Nichol offered the following amendment to LB 134:
Req. #2354

1. Insert the following new section:

"Section 1. That section 49-1419, Revised Statutes Supplement, 1980, be amended to read as follows:

49-1419. (1) Expenditure shall mean a payment, donation, loan, pledge, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to, the nomination or election of a candidate, or the qualification, passage, or defeat of a ballot question. An offer or tender of an expenditure is not an expenditure if expressly and unconditionally rejected or returned.

(2) Expenditure shall include a contribution or a transfer of anything of ascertainable monetary value for purposes of influencing the nomination or election of any candidate or the qualification, passage, or defeat of a ballot question.

(3) Expenditure shall not include:

(a) An amount paid pursuant to a pledge or promise to the extent the amount was previously reported as an expediture;

(b) An expenditure for communication by a person strictly with the person's paid members or shareholders;

(c) An expenditure for communication on a subject or issue if the communication does not support or oppose a ballot issue or candidate by name or clear inference;

(d) An expenditure by a broadcasting station, newspaper, magazine, or other periodical or publication for any news story, commentary, or editorial in support of or opposition to a candidate for elective office, or a ballot question in the regular course of publication or broadcasting; or

(e) An expenditure for nonpartisan voter registration activities. This exclusion shall not apply if a candidate or group of candidates sponsors, finances, or is identified by name with the activity. This exclusion shall apply to an activity performed pursuant to Chapter 32, article 2, by an election commissioner or other registration official who is identified by name with the activity.

(4) Expenditure for purposes of sections 49-1480 to 49-1492 shall mean an advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge, or subscription of money or anything of value, and any contract, agreement, promise, or other obligation, whether or not legally enforceable, to make an expenditure. Expenditure shall not include ~~payments for transportation by lobbyists or~~ the cost of communicating positions from a principal to a lobbyist or from a lobbyist to a principal.''.

2. On page 6, line 16, strike ''section'' and insert ''sections 49-1419 and''.

3. Renumber remaining sections accordingly.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp offered the following amendment to the Nichol amendment:

reinstate the stricken language in 49-1419 and amend section 49-1490 by inserting after 3 (e), "or (f) the occasional provision of transportation within the State of Nebraska to an officeholder in connection with his or her official duties."

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The DeCamp amendment was adopted with 25 ayes, 5 nays, 14 present and not voting, and 5 excused and not voting.

The Nichol amendment, as amended, was adopted with 25 ayes, 7 nays, 12 present and not voting, and 5 excused and not voting.

Mrs. Higgins offered the following amendment to LB 134:

Amend to prohibit elected officials from paying government employees on their staff or government employees on other elected officials' staff, a consultants fee from their campaign funds, whether they work on an elected official's campaign on their own time or on vacation time; I further move that all candidates for public office whether an incumbent or not, be prohibited from using campaign funds to pay members of their family, including an in-law, a salary or stipend to work on their campaign.

Mr. Beutler requested a division of the question on the Higgins amendment.

The Chair sustained the division.

The first amendment is as follows:

Amend to prohibit elected officials from paying government employees on their staff or government employees on other elected officials' staff, a consultants fee from their campaign funds, whether they work on an elected official's campaign on their own time or on vacation time.

MR. NICHOL PRESIDING

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mrs. Higgins moved for a Call of the House. The motion prevailed with 9 ayes, 3 nays, and 37 not voting.

Mrs. Higgins requested a roll call vote on her first amendment.

Voting in the affirmative, 22:

Barrett
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Goodrich
Haberman
Higgins
Johnson, L.
Kilgarin
Koch
Kremer
Labedz
Lamb
Maresh
Marvel
Peterson, H.
Schmit
Wagner
Wiitala

Voting in the negative, 18:

Beutler
Carsten
Chambers
Fowler
Johnson, V.
Kahle
Landis
Marsh
Newell
Nichol
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Warner
Wesely

Present and not voting, 3:

Burrows
Goll
Peterson, R.

Excused and not voting, 4:

Beyer
Cullan
Hefner
Hoagland

Absent and not voting, 2:

Clark
Pirsch

The first Higgins amendment lost with 22 ayes, 18 nays, 3 present and not voting, 4 excused and not voting, and 2 absent and not voting.

Mrs. Higgins asked unanimous consent to withdraw the remaining portion of the amendment. No objections. So ordered.

Mr. R. Peterson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

SPEAKER MARVEL PRESIDING

The Chair declared the Call raised.

Mr. Koch offered the following amendment:

Insert new language as follows: No elected official shall hire an individual or relative who has worked or aided in his or her candidacy as member of his or her staff until two years have elapsed.

The amendment lost with 9 ayes, 19 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Dworak offered the following amendment:

No registered lobbyist or their principal may purchase or be solicited to purchase tickets for political campaign fund raising activities.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

The Dworak amendment was adopted with 25 ayes, 6 nays, 13 present and not voting, and 5 excused and not voting.

Mr. DeCamp offered the following amendment:

Amend the Dworak amendment by striking "or principle"

Mr. Kremer asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

The DeCamp amendment was adopted with 25 ayes, 13 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment with 27 ayes, 11 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Members Excused

Mr. Hefner asked unanimous consent to be excused Thursday and Friday, April 30 and May 1, 1981. No objections. So ordered.

Mr. Kremer asked unanimous consent to be excused Thursday afternoon, April 30 and Friday, May 1, 1981. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 506A. By Cullan, 49th District.
This bill introduced on behalf of: LB 506.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 506, Eighty-seventh Legislature, First Session, 1981.

UNANIMOUS CONSENT - Print in Journal

Mr. Kremer asked unanimous consent to print the following amendment to LB 561 in the Journal. No objections. So ordered.

(Natural Resources Commission Program 307 - Resources Development Fund)

1. On page 17, line 23 strike "2,175,000" and insert "5,000,000", and on line 24 strike "2,175,000" and insert "5,000,000".
2. On page 18, line 12 strike "3,675,000" and insert "6,500,000" and on line 14 strike "4,575,000" and insert "7,400,000".

Mr. Warner asked unanimous consent to print the following amendment to LB 561 in the Journal. No objections. So ordered.

Appropriations Committee Amendment to LB 561

PURPOSE: To revise the language repealing the $70,000,000 appropriation to the State Treasurer, Program 145 Local Government Revenue Fund to insure that the 1981-82 appropriation in LB 561 would get repealed regardless of the future format of LB 284A.

AMENDMENT:
On page 3, strike beginning with "in" in line 2 through "of" in line 3 and insert "for the period of July 1, 1981 to June 30, 1982 in".

Mr. Warner asked unanimous consent to print the following amendment to LB 560 in the Journal. No objections. So ordered.

Appropriations Committee Amendment to LB 560

(1)PURPOSE: To revise current State College appropriation program numbers to accomodate state accounting system.

AMENDMENT:

On page 5, in line 20, strike “857” and insert “801”; on page 9, line 16, strike “858” and insert “813”; on page 13, line 3, strike “859” and insert “821”; on page 16, line 26, strike “860” and insert “831”.

(2)PURPOSE: To adjust the salary limit of the Coordinating Commission for Postsecondary Education to allow the sole employee of the program to receive the Committee salary policy.

AMENDMENT:

On page 3, in line 27, strike “$18,847” and insert “$18,894”.

(3)PURPOSE: To add language to require the University of Nebraska to provide 1982-84 budget request information for the Institute of Agriculture and Natural Resources.

AMENDMENT:

On page 22, in line 12, insert a new subsection as follows:
“(c) The University of Nebraska submit the 1982-84 budget request in the NCHEMS-Program Classification Structure, Second Edition for the University of Nebraska-Lincoln with an informational budget request for the Institute of Agriculture and Natural Resources, University of Nebraska at Omaha, University of Nebraska Medical Center, and University of Nebraska Central Administration;”. Redesignate the remaining subsections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 232 in the Journal. No objections. So ordered.

Appropriations Committee Amendment to LB 232

PURPOSE: To increase cash fund appropriation by $1,453 consistent with increase in salary and per diem limitation.

AMENDMENT:

Amend the Standing Committee amendments, Req. 2313. On page 1 in lines 22 and 23 strike “47,904” and insert “~~47,904~~ 49,357”.

Mr. Warner asked unanimous consent to print the following amendment to LB 559 in the Journal. No objections. So ordered.

Appropriations Committee Amendment to LB 559

(1)PURPOSE: To designate the Title IV-C funds to which the expenditure limitation by the State Department of Education is applied.

AMENDMENT:

On page 3, in line 4, strike the comma and insert "funds to strengthen state departments of education,".

On page 3, in line 16, strike the comma and insert "funds to strengthen state departments of education,".

On page 8, in line 7, strike the comma and insert "funds to strengthen state departments of education,".

(2)PURPOSE: To provide appropriation language for the Jail Standards Board to prevent a duplicate appropriation if Legislative Bill 328A becomes law.

AMENDMENT:

On page 42, after line 10, insert: "The General Fund appropriation to this program shall be reduced by 142,100 if Legislative Bill 328A, Eighty-Seventh Legislature, First Session, 1981, becomes law."

(3)PURPOSE: To correct the General Fund-Federal Fund appropriation for Adult Education in the State Department of Education. Increase General Fund, decrease Federal Fund by $2,589.

AMENDMENT:

On page 5, in line 21, strike "39,349" and insert "41,938".

On page 5, in line 22, strike "139,512" and insert "136,923".

On page 9, in line 13, strike "7,785,601" and insert "7,788,190".

On page 9, in line 15, strike "8,220,985" and insert "8,218,396".

(4)PURPOSE: To remove ceiling on the amount that will be reappropriated from 1980-81 to 1981-82 for the Governor's Emergency Fund in the Military Department.

AMENDMENT:

On page 30, in lines 24, 25, and 26 strike "in an amount not to exceed $300,000 which amount is in addition to the amount shown".

(5)PURPOSE: To increase earmarking for operation of Omaha Information Center within the Department of Economic Development from $11,005 to $24,800 and related increase in salary limit, based upon revision of planned opening date for the Center.

AMENDMENT:

On page 58, in line 14, strike "95,101" and insert "101,505", and in line 19 strike "11,005" and insert "24,800".

(6)PURPOSE: To transfer $114,637 General funds from the Department of Economic Development to the Policy Research Office. This transfer offsets a transfer of federal funds from the Policy Research Office to the Department of Economic Development (DED). The personal services limit in program 604 of DED is also increased by $75,000.

AMENDMENT:

On page 2, in line 14, strike "305,506" and insert "420,143"; in line 16, strike "405,506" and insert "520,143".

On page 58, in line 2, strike "2,280,496" and insert "2,165,859"; in line 5, strike "3,602,217" and insert "3,487,580"; in line 7, strike "1,331,079" and insert "1,406,079"; in line 23, strike "2,447,510" and insert "2,332,873"; in line 26, strike "4,577,490" and insert "4,462,853".

(7)PURPOSE: To transfer the rail planning function from the Department of Economic Development to the Department of Roads.

AMENDMENT:

On page 27, in line 8, strike "39,468,123" and insert "39,501,123"; in line 12, strike "69,938" and insert "110,780"; in line 13, strike "237,970" and insert "437,970"; in line 14, strike "307,908" and insert "548,750"; in line 16, strike "143,458" and insert "176,458"; in line 19 after "for" insert "rail planning,".

On page 29, in line 5, strike "69,938" and insert "110,780", in line 7, strike "237,970" and insert "437,970"; in line 9, strike "216,610,071" and insert "216,850,913".

On page 58, in line 2, strike "2,280,496" and insert "2,239,654"; in line 4, strike "1,050,997" and insert "850,997"; in line 5, strike "3,602,217" and insert "3,361,375"; in line 7, strike "1,331,079" and insert "1,298,079"; in line 23, strike "2,447,510" and insert "2,406,668"; in line 25, strike "1,061,189" and insert "861,189"; in line 26, strike "4,577,490" and insert "4,336,648".

VISITORS

Visitors to the Chamber were 25 sixth grade students, teacher, and sponsors from Kenesaw Public School, Kenesaw; 18 fifth grade students, teacher, and sponsors from Kenesaw Elementary, Kenesaw; 12 students and teachers from Maywood High School, Maywood; 5 students and teacher from District #57, Friend; 35 fourth grade students and teachers from Louisville Public School, Louisville; and Jane Kruse from Southern Nebraska Rural Public Power District, Grand Island.

ADJOURNMENT

At 5:30 p.m., on a motion by Mr. Rumery, the Legislature adjourned until 9:00 a.m., Thursday, April 30, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIRST DAY - APRIL 30, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 30, 1981

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Reverend Elizabeth Beams, First United Methodist Church, Springfield, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hefner who was excused; and Miss Kilgarin, Messrs. Chambers, Haberman, Hoagland, Newell, Schmit, Sieck, Stoney, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 404. Placed on Select File as amended.
E & R amendment to LB 404:

1. On page 3, line 6, insert "as others" after "opportunities".

LEGISLATIVE BILL 213. Placed on Select File as amended.
E & R amendments to LB 213:

1. In committee amendments, page 3, lines 8 and 21, strike "Where" and insert "When".
2. In the Hoagland amendments, page 1, insert an underscored comma at the end of line 5.
3. Renumber sections 7 and 9 in committee amendments as sections 9 and 11 and the repeal section as section 10.

4. In the title, line 7, insert "to extend jurisdiction in certain cases of previous commitments;" after the first semicolon and strike "and" and insert "to provide severability;"; and in line 8 insert "; and to declare an emergency" after "sections".

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 35 and 284.

Correctly Engrossed

The following bills were correctly engrossed: 257 and 384.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Change to LB 35

The following change, required to be reported for publication in the Journal, has been made:
In the title, as amended, line 7, "to provide for a legislative study;" has been inserted after the semicolon.

Enrollment and Review Changes to LB 257

The following changes, required to be reported for publication in the Journal, have been made:
(1) In the Warner amendment to the Warner amendment, underscoring has been supplied, and in line 2, an underscored comma has been inserted before "except";
(2) In the Maresh amendment, underscoring has been supplied and the last line thereof an underscored comma has been inserted after "energy";
(3) Because of the Maresh amendment to line 12 thereof, in Req. 2336, page 2, line 6, "three" has been stricken and "five" inserted;
(4) In Req. 2336, page 4, lines 12 to 20, subdivisions have been redesignated as "(1)" to "(4)"; and in line 27 an underscored comma has been inserted after "mean";
(5) In Req. 2336, page 6, an underscored comma has been inserted after "corporations" in lines 9 and 22;
(6) Strike E & R 2; and
(7) In the title, as amended, lines 2 to 5 have been stricken and the following inserted:
"FOR AN ACT relating to energy; to provide for energy
efficiency grants to school districts; to provide
a tax credit for renewable energy source system;

> to create two funds and provide the source and use thereof; to increase the oil and gas severance tax; to amend sections 57-703 and 57-705, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715, Revised Statutes Supplement, 1980; to provide for termination of sections; to provide an operative date; to repeal the original sections; and to declare an emergency.''.

Enrollment and Review Changes to LB 284

The following changes, required to be reported for publication in the Journal, have been made:

1. In REQ 2325, (a) on page 5, line 25, ''(1)'' was struck and shown stricken, (b) on page 7, line 23, ''8 to 12'' has been stricken and ''7 to 11'' has been inserted, and (c) on page 10, line 1, ''11 and 12'' has been stricken and ''10 to 11'' has been inserted; and
2. In the title of the Final Reading bill, line 3, ''a fund'' has been stricken and ''funds'' inserted, and in lines 4 and 5, ''provide for replacement of local revenue'' has been stricken and ''state intent'' inserted.

Enrollment and Review Changes to LB 384

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 3, line 12, capitalization has been supplied to ''A'';
2. On page 6, line 27, the Beutler select file amendment has been inserted prior to the Wesely select file amendment thereto;
3. In the Wesely amendments starting on page 1281 of the Journal, an underscored comma has been inserted on page 1 at the end of numbered line 2, after ''corporation'' in lines 22 and 24; ''partners'' in line 25, and ''liabilities'' in line 27, and ''and'' has been inserted at the end of line 27; and on page 2, capitalization has been removed from ''section'' in line 6; and in line 17 an underscored comma has been inserted after ''worth'';
4. Internal references have been corrected throughout the bill to reflect the insertion of two new sections;
5. On page 2, line 4, the colon has been stricken and in line 5 ''(1) The'' has been stricken and ''the'' inserted and paragraphing has been removed; and in line 15, the semicolon has been stricken and an underscored period inserted;
6. On page 3, line 12, the period has been stricken;
7. In the Beutler amendment to page 4, line 18, ''be'' has been inserted after ''not'';

8. In the Schmit amendment to page 19, after line 3, "No" has been stricken and "That no" inserted;

9. Underscoring has been supplied where missing in all amendments;

10. On page 4, line 18, "(1)" has been stricken; and in line 19, the stricken "and" has been reinstated;

11. On page 15, line 2, the spelling of "silviculture" has been corrected;

12. On page 21, line 12, in the Schmit amendments adopted 3/26, line 24, and in line 4 of the Wesely amendments found on 1281 of the Journal, "sections 1 to 56 of" has been inserted before "this"; and

13. On page 22, line 15, the comma has been stricken.

(Signed) Emory P. Burnett
E & R Attorney

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 62 and LR 65.

REPORT

Received proposed lease renewals for Department of Revenue in Grand Island, and for Nebraska State Patrol in Lincoln.

MOTION - Approve Appointments

Mr. Barrett moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointments found in the Journal on page 1441: Phyllis Acklie, Irving Dana - Nebraska Arts Council; Paul Mead, Dennis Schroeder, Dennis Vanosdall - State Electrical Board.

Voting in the affirmative, 30:

Barrett
Burrows
Carsten
Chronister
Clark
Cope
Cullan
Dworak
Fitzgerald
Fowler
Goll
Goodrich
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Peterson, H.
Peterson, R.
Pirsch
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 9:

Beutler
Beyer
DeCamp
Fenger
Higgins
Koch
Nichol
Remmers
Rumery

Excused and not voting, 10:

Chambers
Haberman
Hefner
Hoagland
Kilgarin
Newell
Schmit
Sieck
Stoney
Wiitala

The appointments were confirmed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Mr. Kremer moved the adoption of the report of the Public Works Committee for the following Governor appointments found in the Journal on page 1571: Mark Covert - Board of Public Roads Classifications and Standards; Robert Martin, Bob Hinchcliff - Motor Vehicle Industry Licensing Board.

Voting in the affirmative, 28:

Barrett
Burrows
Carsten
Clark
Cope
Cullan
DeCamp
Fitzgerald
Fowler
Goll
Goodrich
Higgins
Johnson, V.
Kahle
Kremer
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Von Minden
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 11:

Beutler
Beyer
Chronister
Dworak
Fenger
Johnson, L.
Koch
Labedz
Lamb
Vickers
Wagner

Excused and not voting, 10:

Chambers
Haberman
Hefner
Hoagland
Kilgarin
Newell
Schmit
Sieck
Stoney
Wiitala

The appointments were confirmed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Mr. Fowler moved the adoption of the report of the Nebraska Retirement Systems Committee for the following Governor appointments found in the Journal on page 1623: Gretchen Gottshalk, Lloyd Kilmer - Public Employees Retirement Board.

Voting in the affirmative, 29:

Barrett
Beutler
Beyer
Burrows
Carsten
Clark
Cope
Cullan
Fitzgerald
Fowler
Goll
Goodrich
Hoagland
Johnson, L.
Johnson, V.
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H
Peterson, R.
Pirsch
Remmers
Rumery
Vickers
Von Minden
Wesely

Voting in the negative, 0.

Present and not voting, 11:

Chronister
DeCamp
Dworak
Fenger
Higgins
Kahle
Koch
Kremer
Labedz
Wagner
Warner

Excused and not voting, 9:

Chambers
Haberman
Hefner
Kilgarin
Newell
Schmit
Sieck
Stoney
Wiitala

The appointments were confirmed with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 76 to Select File

Mr. Chambers moved to return LB 76 to Select File for the specific amendment found in the Journal on page 1032.

Mr. Chambers requested a record vote on his motion.

Voting in the affirmative, 8:

Chambers
Cullan
Dworak
Fowler
Goll
Marsh
Remmers
Stoney

Voting in the negative, 22:

Barrett
Beyer
Carsten
Clark
DeCamp
Fitzgerald
Goodrich
Haberman
Johnson, L.
Kahle
Koch
Kremer
Labedz
Landis
Maresh
Peterson, H.
Peterson, R.
Rumery
Sieck
Von Minden
Warner
Wesely

Present and not voting, 15:

Beutler
Burrows
Chronister
Cope
Fenger
Higgins
Hoagland
Johnson, V.
Lamb
Marvel
Newell
Pirsch
Schmit
Vickers
Wagner

Excused and not voting, 4:

Hefner
Kilgarin
Nichol
Wiitala

The Chambers motion lost with 8 ayes, 22 nays, 15 present and not voting, and 4 excused and not voting.

Messrs. Beutler and Wesely moved to return LB 76 to Select File for the following specific amendment:

Strike the new language in Section 1, subsection (1)

Strike the new language in Section 1, subsection (5), lines 8 through 15.

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

The Beutler-Wesely motion to return to Select File prevailed with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 76. The Beutler-Wesely amendment found in this day's Journal was adopted with 35 ayes, 2 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 76 to Select File

Mr. Chambers moved to return LB 76 to Select File for the following specific amendment:

The high-speed pursuit of a reckless evader by ground units, through heavy traffic or densely populated areas, shall be abandoned when:

(1) The original violation was a traffic offense;

(2) No felony has been committed during the pursuit;

(3) There is no probable cause to believe that the reckless evader is attempting escape from apprehension for any felony; or

(4) It is reasonable to believe that the evader will discontinue his or her reckless and high-speed vehicle operation if the pursuit is abandoned. If at any point the identity of the driver of the pursued vehicle becomes known, and the reason for the pursuit is a traffic violation or the commission of a misdemeanor, the pursuit shall terminate and the driver of the pursued vehicle shall be apprehended at a later time.

The Chambers motion to return lost with 12 ayes, 13 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Wagner asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

Req. #2344

(Final Reading Copy)

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. It is the intent of the Legislature that replacement revenue for local taxing agencies as a result of exemptions allowed on certain classes of personal property not be shifted to other classes of property subject to taxation. Since (1) agricultural income-producing machinery and equipment, livestock, feed, fertilizer, and farm inventory, grain and seed, and poultry, fish, honey bees, and fur-bearing animals were exemptions related to agriculture and (2) business inventory was an exemption related to commerce and industry, the tax basis for distributing financial assistance pursuant to sections 1 to 5 of this act is hereby recognized and established.

Sec. 2. (1) For fiscal year 1980-81 the Legislature shall appropriate seventy million dollars and for fiscal year 1981-82 the Legislature shall appropriate twenty-nine million dollars from the General Fund to a special fund to be known as the Local Government Revenue Fund, which fund is hereby created. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

(2) For fiscal years 1980-81 and 1981-82 the Legislature shall annually appropriate and distribute the money from the Local Government Revenue Fund. Of such funds appropriated, for fiscal year 1980-81 thirty-seven million nine hundred seventy-seven thousand six hundred dollars shall be distributed based on the actual value of agricultural real estate within the state, thirty-one million twenty-two thousand four hundred dollars shall be distributed based on the actual value of commercial-industrial real estate in the state, and one million dollars shall be distributed based on the actual value of suburban-residential real estate within the state. Of such funds appropriated, for fiscal year 1981-82 fifteen million seven hundred thirty-three thousand five hundred dollars shall be distributed based on the actual value of agricultural real estate within the state, twelve million eight hundred fifty-two thousand two hundred dollars shall be distributed based on the actual value of commercial-industrial real estate in the state, and four hundred fourteen thousand three hundred dollars shall be distributed based on the actual value of suburban-residential real estate within the state.

(3) For purposes of subsection (2) of this section (a) actual value of agricultural real estate shall mean the total actual value of all agricultural lands, lots, and improvements in this state computed by adding the actual value of dry cropland, irrigated cropland, rangeland and meadow, pasture land, wasteland, agricultural improvements, and agricultural land or lots in each county as reported in lines 14 through 18, 20, 29, and 30 of the most current County Abstract of Assessment Form 45, (b) actual value of commercial-industrial real estate shall mean the total actual value of all suburban commercial land or lots, suburban commercial improvements, suburban industrial land or lots, suburban industrial improvements, commercial land or lots, commercial improvements, industrial land or lots, and industrial improvements in this state computed by adding the actual value of real estate in each county as reported in lines 23 to 26 and 33 to 36 of the most current County Abstract of Assessment Form 45, and (c) actual value of suburban-residential real estate shall mean the total actual value of all suburban residential land or lots, suburban residential improvements, unimproved lots, residential land or lots, and residential improvements in

this state computed by adding the actual value of real estate in each county as reported in lines 21, 22, 28, 31, and 32 of the most recent County Abstract of Assessment Form 45. For fiscal year 1980-81 funds shall be distributed based on the 1980 County Abstract of Assessment Form 45 as equalized by the State Board of Equalization and Assessment and for fiscal year 1981-82 funds shall be distributed based on the 1981 County Abstract of Assessment Form 45 as equalized by the State Board of Equalization and Assessment.

Sec. 3. Each county shall receive a share of the funds distributed pursuant to section 2 of this act based on the percentage figure obtained by dividing the total actual value of agricultural, commercial-industrial, and suburban-residential real estate in the county by the total actual value of agricultural, commercial-industrial, and suburban-residential real estate in the state. The Tax Commissioner shall determine the amount to be distributed to the various counties for distribution to the political subdivisions within such county and shall certify such amounts to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 5, 1980, and December 5, 1981. For fiscal year 1980-81 the fund shall be distributed according to the same schedule except that any monthly payment not made prior to the effective date of this act shall be added to the initial payment made following the effective date of this act. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.

Sec. 4. (1) For fiscal year 1980-81, each political subdivision or portion of a political subdivision within a county, including the county itself, with authority to levy a tax or cause a tax to be levied shall receive a share of the funds distributed to the county in an amount equivalent to the percentage figure obtained by dividing the amount of property tax levied within the county by the political subdivision during the prior calendar year by the total amount of property tax levied within the county by all political subdivisions during the prior calendar year. Such amount shall be distributed by the county treasurer in seven as nearly as possible equal monthly payments beginning December 5, 1980, and December 5, 1981. For fiscal year 1980-81 the fund shall be distributed according to the same schedule except that any monthly payment not made prior to the effective date of this act shall be added to the initial payment made following the effective date of this act.

(2) For fiscal year 1981-82, each county treasurer shall distribute the funds in the same manner as provided in subsection (1) of this section, except that no funds shall be distributed to school districts and the calculation of the amount of funds to be received by each subdivision shall be made without regard to the amount of property tax levied by school districts.

Sec. 5. (1) If two or more political subdivisions within a county are merged, the share such newly merged political subdivision shall receive shall be the sum of the receipts each individual political subdivision would have received had there been no merger.

(2) If a political subdivision authorized to levy a tax or cause a tax to be levied is newly created, such political subdivision shall receive, commencing the first year such levy generates tax receipts, a share of the funds distributed to political subdivisions within a county computed pursuant to sections 2 to 4 of this act.

Sec. 6. That Laws 1980, LB 1002, section 5, be amended to read as follows:

Sec. 5. Agency No. 12 -- State Treasurer

(1) Program No. 146 - Aid to Governmental Subdivisions

GENERAL FUND	12,600,000
PROGRAM TOTAL	12,600,000

~~(2) Program No. 147 Personal Property Tax Relief~~

~~GENERAL FUND~~	~~70,000,000~~
~~PROGRAM TOTAL~~	~~70,000,000~~

For Informational Purposes Only: Total Appropriations to Agency No. 12 and Fund Source

GENERAL FUND	~~82,600,000~~
	12,600,000
AGENCY TOTAL	~~82,600,000~~
	12,600,000

Sec. 7. For fiscal year 1981-82 and ensuing years, in lieu of providing funds to school districts from the Local Government Revenue Fund created by section 2 of this act, the Legislature shall appropriate forty-one million dollars to the School Foundation and Equalization Fund. Such amount shall be in addition to any other amounts appropriated to the School Foundation and Equalization Fund and shall be specifically allocated for distribution pursuant to sections 79-1334 and 79-1339.

Sec. 8. For fiscal year 1982-83 and ensuing years, the Legislature shall appropriate an additional two million dollars for state aid to technical community colleges. Such amount shall be in addition to any other amounts appropriated for state aid to technical community colleges.

Sec. 9. That section 77-27,136, Revised Statutes Supplement, 1980, be amended to read as follows:

77-27,136. Beginning January 1, 1972, and on January 1, each year thereafter, the Legislature shall appropriate ~~twelve~~ thirty-nine million six hundred thousand dollars of all funds collected by a general sales tax and income tax for aid to governmental subdivisions.

Sec. 10. That section 77-27,137, Revised Statutes Supplement, 1980, be amended to read as follows:

77-27,137. Of the money so appropriated, ~~four~~ twenty million six hundred thousand dollars shall be distributed to the various county treasurers of the state as follows:

(1) Fifty per cent on the basis of the ratio of the population of the particular county to the population of the entire state as determined by the latest federal census; and

(2) Fifty per cent on the basis of the ratio of the valuation of real estate in the particular county to the valuation of real estate in the entire state, as certified by the respective county assessors to the Tax Commissioner in the abstract of the assessment rolls and as equalized by the State Board of Equalization and Assessment.

The Tax Commissioner shall determine the amount to be distributed to the various counties and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed in twelve as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning July, 1976, and each July thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification and vouchers, draw warrants against funds appropriated.

The proceeds of the governmental subdivision payments received by the various county treasurers shall be credited to the general fund of the county.

Sec. 11. Sections 1 to 5 of this act shall terminate on July 1, 1982.

Sec. 12. Sections 9, 10, and 15 of this act shall become operative on July 1, 1982.

Sec. 13. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 14. That Laws 1980, LB 1002, section 5, and also sections 77-3601 to 77-3604, Revised Statutes Supplement, 1980, and Laws 1980, LB 882 A, are repealed.

Sec. 15. That original sections 77-27,136 and 77-27,137, Revised Statutes Supplement, 1980, are repealed.

Sec. 16. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

UNANIMOUS CONSENT - Withdraw Amendment to LB 179

Mr. Hoagland asked unanimous consent to withdraw his pending amendment found in the Journal on page 1238. No objections. So ordered.

MOTION - Return LB 179 to Select File

Mr. Carsten moved to return LB 179 to Select File for the Marsh specific amendment, Req. #2273, found in the Journal on page 1333.

The motion prevailed with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 179. The Marsh specific amendment found in the Journal on page 1333 was adopted with 28 ayes, 1 nay, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 179 to Select File

Mr. Carsten moved to return LB 179 to Select File for his specific amendment found in the Journal on page 1359.

The Carsten motion prevailed with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 179. The Carsten specific amendment found in the Journal on page 1359 was adopted with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Withdraw Amendment to LB 179

Mr. Hoagland asked unanimous consent to withdraw his pending amendment found in the Journal on page 1468. No objections. So ordered.

MOTION - Return LB 284A to Select File

Mr. Carsten moved to return LB 284A to Select File for the Carsten specific amendment found in the Journal on page 1608.

The motion prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 284A. The Carsten specific amendment found in the Journal on page 1608 was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

SPEAKER MARVEL PRESIDING

MOTION - Return LB 290 to Select File

Mr. Koch moved to return LB 290 to Select File for the following specific amendment:

Amend section 1(1) at line 16 by inserting "display" after the word "entire" and at line 27 inserting "display" after the word "entire."

The motion lost with 8 ayes, 27 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Koch moved to return LB 290 to Select File for the following specific amendment:

On Page 2 - After the word plate, Strike remaining line 20 through line 27.

The motion lost with 5 ayes, 25 nays, 16 present and not voting, and 3 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 290. With Emergency.

A BILL FOR AN ACT to amend section 60-311, Revised Statutes Supplement, 1980, relating to motor vehicles; to provide for bids for license plates; to provide specifications; to delete obsolete matter; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Lamb
Landis
Maresh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 3:

Fitzgerald
Koch
Labedz

Present and not voting, 3:

Chambers
Cullan
DeCamp

Excused and not voting, 3:

Hefner
Kilgarin
Marsh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 536 to Select File

Mr. Beutler moved to return LB 536 to Select File for the following specific amendment:

(FINAL READING COPY)

1. On page 2, lines 3, 15, and 18, strike "Military" and insert "materiel division of the", and after "Department" insert "of Administrative Services".

2. On page 3, lines 7 and 23, strike "Military" and insert "materiel division of the"; and in lines 7 and 24 after "Department" insert "of Administrative Services".

3. On page 4, lines 5 and 16, strike "Military" and insert "material division of the"; in line 5 after "Department" insert "of Administrative Services"; and in line 16 after "Department" insert "of Administrative Services".

4. In the title, line 7, strike "Military Department" and insert "materiel division of the Department of Administrative Services".

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Beutler requested a record vote on his motion.

Voting in the affirmative, 17:

Beutler
Fowler
Goll
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Newell
Pirsch
Sieck
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 26:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Goodrich
Johnson, L.
Kahle
Lamb
Maresh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Von Minden
Wagner
Warner

Present and not voting, 4:

Burrows
Chambers
Koch
Kremer

Excused and not voting, 2:

Hefner
Marsh

The Beutler motion to return to Select File lost with 17 ayes, 26 nays, 4 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 536.

A BILL FOR AN ACT to amend sections 81-909, 81-912, 81-914, and 81-916 to 81-918, Revised Statutes Supplement, 1980, relating to state administrative departments; to provide for a transfer of duties from the Department of Roads to the Military Department; to provide for transfer of personnel; to provide an operative date; and to repeal the original sections, and also section 81-915, Revised Statutes Supplement, 1980.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner

Voting in the negative, 9:

Beutler
Chambers
Fowler
Higgins
Kilgarin
Newell
Vickers
Wesely
Wiitala

Excused and not voting, 2:

Hefner
Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 466. The Landis-Fowler pending motion to indefinitely postpone was renewed.

Messrs. Nichol and Fenger asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mr. Fowler requested a record vote.

Voting in the affirmative, 12:

Beutler
Chambers
Fowler
Goll
Haberman
Hoagland
Johnson, V.
Koch
Landis
Marsh
Remmers
Wiitala

Voting in the negative, 28:

Barrett
Beyer
Chronister
Cope
Cullan
DeCamp
Dworak
Fitzgerald
Goodrich
Higgins
Johnson, L.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Maresh
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Sieck
Stoney
Wagner
Warner

Present and not voting, 6:

Burrows
Carsten
Clark
Vickers
Von Minden
Wesely

Excused and not voting, 3:

Fenger
Hefner
Nichol

The Landis-Fowler motion to indefinitely postpone lost with 12 ayes, 28 nays, 6 present and not voting, and 3 excused and not voting.

Mrs. Labedz renewed her pending amendment, Req. #2328, found in the Journal on page 1546.

MR. NICHOL PRESIDING

Mr. V. Johnson offered the following amendment to the Labedz amendment:

1. In the Labedz amendment on page 1546 of the Journal on page 1, in lines 4 and 9 after "minor" insert "less than sixteen years of age".

Messrs. Haberman, L. Johnson, H. Peterson, and Vickers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

The V. Johnson amendment lost with 13 ayes, 22 nays, 8 present and not voting, and 6 excused and not voting.

EXPLANATION OF VOTE

Had I been present for final reading on 4-28-81, I would have voted as follows on:
LB 132 - Aye
LB 249 - Nay

(Signed) Jerry Koch

VISITORS

Visitors to the Chamber were 7 students, teacher, and sponsors from Elm Tree School, Valley; 10 ninth grade students, teacher, and sponsor from Milligan High School; 28 students and teachers from Morton School, Hastings; 16 students, principal, teacher, and sponsors from Adventist Elementary School, Grand Island; a group from Republican Women of Burt County; 19 seventh and eighth grade students, teacher, and sponsors from District #8A, Platte Center; 42 fourth grade students, teachers, and sponsors from Hillside Elementary, Omaha; 66 eighth grade students, teachers, and adults from Our Lady of Lourdes School, Omaha.

RECESS

At 12:33 p.m., on a motion by Mr. Burrows, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:04 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Hefner, and Kremer who were excused; and Mrs. Pirsch, Messrs. Chambers, Cullan, V. Johnson, Kahle, Newell, Schmit, Wagner, and Wesely who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 232. E & R amendments found in the Journal on page 1579 for the Sixty-Eighth Day were adopted.

Mr. Warner renewed the pending Committee amendment found in the Journal on page 1641.

The Committee amendment was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 160. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 161. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 557. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 558. Mr. Beutler offered the following amendment:
PURPOSE: To Provide $25,000 General Funds to the Legislative Council to conduct an evaluation of judicial workload and the current district boundaries for the purpose of county and district court redistricting and to provide earmarking language that an appropriation is included for such purpose.

AMENDMENT:
On page 3, in lines 4 and 5 strike "1,302,297" and insert "1,327,297"; and after line 12 insert: "There is included in the appropriation to this program, $25,000 to conduct an evaluation of judicial workload and the current district boundaries for the purpose of studying county and district court redistricting."
On page 4, in lines 22 and 23 strike "5,314,810" and insert "5,339,810".

The amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

MR. NICHOL PRESIDING

Messrs. Wesely and Beutler offered the following amendment:
PURPOSE: To transfer the recommended proportionate appropriations for the funding of the State Natural Resources Coordinator position from the Department of Water Resources and the Department of Environmental Control to the Governor's Office and provide earmarking language specifying such appropriation.

AMENDMENT:
On page 6, in lines 19 and 20, strike "248,495" and insert "282,076", in line 22, strike "$157,128" and insert "$189,810"; and after line 23, insert: "There is included in the appropriation to this program, $44,775 for the salary and benefits of a State Natural Resources Coordinator position."

The amendment lost with 6 ayes, 23 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Schmit offered the following amendment:
1. On page 6, in lines 8 and 9 strike "2,570,458" and insert "2,681,333"; in line 11 strike "2,139,074" and insert "2,233,949"; and in lines 15 and 16 strike "2,666,915" and insert "2,777,790".

Mr. Schmit moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Warner requested a roll call vote on the Schmit amendment.

Voting in the affirmative, 25:

Burrows
Chronister
Cullan
DeCamp
Fitzgerald
Haberman
Higgins
Hoagland
Kahle
Koch
Labedz
Lamb
Landis
Maresh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 19:

Barrett
Beutler
Beyer
Carsten
Cope
Dworak
Fenger
Fowler
Goll
Johnson, L.
Johnson, V.
Kilgarin
Marsh
Marvel
Newell
Rumery
Stoney
Vickers
Warner

Present and not voting, 2:

Chambers Goodrich

Excused and not voting, 3:

Clark Hefner Kremer

The Schmit amendment lost with 25 ayes, 19 nays, 2 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

LEGISLATIVE BILL 559. E & R amendments found in the Journal on page 1599 for the Sixty-Eighth Day were adopted.

Mr. Warner renewed the pending Committee amendment found in the Journal on page 1641.

SPEAKER MARVEL PRESIDING

The Committee amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Haberman asked unanimous consent to withdraw his pending amendment found in the Journal on page 1548. No objections. So ordered.

Mr. Vickers offered the following amendment:

1. On page 5, line 21, strike "39,349" and insert "49,349"; and in line 23 strike "178,861" and insert "188,861".

2. On page 9, line 13, strike "7,785,601" and insert "7,795,601"; and in line 17 strike "16,937,708" and insert "16,947,708".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

Mr. Vickers moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Barrett
Beutler
Burrows
Chambers
Chronister
Cullan
Goodrich
Haberman
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Landis
Maresh
Pirsch
Remmers
Schmit
Sieck
Vickers
Wagner
Wiitala

Voting in the negative, 23:

Beyer
Carsten
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Higgins
Johnson, L.
Lamb
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Rumery
Stoney
Von Minden
Warner
Wesely

Excused and not voting, 3:

Clark
Hefner
Kremer

Absent and not voting, 1:

Labedz

The Vickers amendment lost with 22 ayes, 23 nays, 3 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. Schmit offered the following amendment:

1. On page 59, line 21, strike "128,931" and insert "228,931"; in line 22 strike "109,978" and insert "101,409"; in line 23 strike "238,909" and insert "330,340"; and in line 25 strike "131,367" and insert "249,645".

2. On page 60, line 11, strike "128,931" and insert "228,931"; in line 13 strike "144,076" and insert "135,507"; and in line 14 strike "868,631" and insert "960,062".

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Schmit amendment was adopted with 25 ayes, 16 nays, 4 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Messrs. Vickers and Goll asked unanimous consent to print the following amendment to LB 512 in the Journal. No objections. So ordered.

1. Strike original sections 1 to 39.

2. On page 41, line 7, strike ", and 52-122" and insert "to 52-124".

3. Renumber original section 40 as section 1.

RESOLUTION

LEGISLATIVE RESOLUTION 67.

Introduced by Beutler, 28th District.

PURPOSE:
The purpose of this study is to examine the feasibility of consolidating the municipal courts into the county court system. Omaha and Lincoln are financially responsible for the only two municipal courts in Nebraska which have concurrent jurisdiction with county courts. The Office of the State Court Administrator, under the Chief Justice of the Supreme Court, has the direct financial and administrative responsibility for the county courts, but not of the municipal courts. The State pays for ninety percent (90%) of the expenses of the county courts, but for no expenses of the municipal courts, although the State dictates mandates that impact the cost of these courts. This study shall include, but not be limited to, an examination of:

(1) statutory changes necessary to enact consolidation and to transfer authority and financial responsibility of the municipal courts;

(2) procedures necessary to administer the consolidated courts;

(3) court personnel wages and benefits;

(4) the financial responsibility of the State, counties and cities after such a proposed consolidation; and

(5) possible Constitutional issues involved in such changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 255. Placed on General File as amended.
Standing Committee amendments to LB 255:

1. On page 2, line 9, strike "1981" and insert "1982"
2. On page 3, line 20, strike "one million"; and insert "five hundred thousand".

(Signed) Jerome Warner, Chairperson

MESSAGE FROM THE GOVERNOR

April 30, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 241 and 486, as well as Reengrossed Legislative Bill 132, were received in my office this week.

These bills were signed by me on April 30, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

UNANIMOUS CONSENT - Members Excused

Mr. Dworak asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman asked unanimous consent to be excused for the remainder of the day and Friday, May 1, 1981. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 560. Mr. Warner renewed the pending Committee amendment found in the Journal on page 1640.

The Committee amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Newell asked unanimous consent to withdraw his pending amendment found in the Journal on page 1547. No objections. So ordered.

Mr. Koch asked unanimous consent to withdraw his pending amendment found in the Journal on page 1596. No objections. So ordered.

Mr. Maresh renewed his pending amendment found in the Journal on page 1609.

The amendment lost with 12 ayes, 19 nays, 12 present and not voting, and 6 excused and not voting.

MR. NICHOL PRESIDING

Mr. Burrows offered the following amendment:
PURPOSE: To reduce General Funds by $400,000 for the University of Nebraska in order to limit the salary increase provided to certain employees.
AMENDMENT:

On page 21, in line 2, strike "2,319,073" and insert "2,307,073"; in line 4, strike "2,557,977" and insert "2,545,977"; in line 8, strike "977,029" and insert "965,029"; in line 18, strike "144,979,801" and insert "144,591,801".

On page 23, in line 18, strike "2,319,073" and insert "2,307,073"; in line 22, strike "222,125,613" and insert "222,113,613"; in line 27, strike "77,186,122" and insert "77,018,122".

On page 24, in line 1, strike "77,186,122" and insert "77,018,122"; in line 12, strike "21,436,485" and insert "21,424,485"; in line 13, strike "21,436,485" and insert "21,424,485".

On page 25, in line 2, strike "41,546,245" and insert "41,338,245"; in line 3, strike "41,546,245" and insert "41,338,245".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Mr. Hoagland asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

The Burrows amendment lost with 9 ayes, 23 nays, 10 present and not voting, and 7 excused and not voting.

Mr. Koch offered the following amendment to LB 560:
PURPOSE: To redistribute $150,000 General Funds from the University of Nebraska Medical Center to the University of Nebraska Lincoln's Engineering program at University of Nebraska Omaha in the event LB 506 and LB 506A become law.

AMENDMENT:
On page 25, in line 7, after "law" insert "and be redirected to the University of Nebraska-Lincoln for the Engineering program at the University of Nebraska at Omaha".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

SPEAKER MARVEL PRESIDING

Mr. Koch requested a record vote on his amendment.

Voting in the affirmative, 16:

Beyer
Burrows
Chronister
Cullan
DeCamp
Fitzgerald
Goodrich
Higgins
Johnson, V.
Kilgarin
Koch
Labedz
Newell
Pirsch
Schmit
Wiitala

Voting in the negative, 20:

Beutler
Carsten
Cope
Dworak
Fowler
Goll
Johnson, L.
Kahle
Lamb
Landis
Maresh
Marsh
Nichol
Peterson, H.
Remmers

Rumery
Sieck
Stoney
Warner
Wesely

Present and not voting, 8:

Barrett
Chambers
Fenger
Marvel
Peterson, R.
Vickers
Von Minden
Wagner

Excused and not voting, 5:

Clark
Haberman
Hefner
Hoagland
Kremer

The Koch amendment lost with 16 ayes, 20 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Messrs. Kahle, Lamb, and Schmit asked unanimous consent to print the following amendment to LB 562 in the Journal. No objections. So ordered.

1. On page 11, line 25 strike "1,166,125" and insert "2,466,125".
2. On page 11, line 26 strike "2,600,000" and insert "1,300,000".

Mr. Kahle asked unanimous consent to print the following amendment to LB 444 in the Journal. No objections. So ordered.

(Amendments to Req. 2077)

1. On page 6, strike beginning with "an" in line 3 through 4 and insert "the release to the Auditor of Public Accounts of reports and returns approved for such release by the Tax Commissioner, to the extent the reports and returns are necessary to make a financial".
2. On page 9, strike beginning with "an" in line 11 through "an" in line 13 and insert "the release to the Auditor of Public Accounts of reports and returns approved for such release by the Tax Commissioner, to the extent the reports and returns are necessary to make a financial".
3. On page 14, strike beginning with "an" in line 3 through line 4 and insert "the release to the Auditor of Public Accounts of reports and returns approved for such release by the Tax Commissioner, to the extent the reports and returns are necessary to make a financial".

Mr. Hoagland asked unanimous consent to print the following amendment to LB 472 in the Journal. No objections. So ordered.

1. Insert a new section as follows:

"Sec. 2. The Chief Justice of the Supreme Court, or the State Court Administrator acting on his or her behalf, shall have the authority to purchase and maintain insurance on behalf of any judge, officer, or employee of any court in this state, against any liability asserted against him or her and incurred by him or her in any such capacity or arising out of his or her status as such, whether or not the court would have the power to indemnify the individual against such liability under any other provision of law.".

2. Renumber original section 2 as section 3.

ANNOUNCEMENT

Mr. Lamb announced there will be an Executive Board meeting at 8:00 a.m., May 1, 1981 in room 2102.

VISITORS

Visitors to the Chamber were 54 eighth grade students, teachers, and sponsors from Guardian Angels School, West Point; 38 students and teacher from Trinity Lutheran School, Hanover, Kansas; 12 fourth grade students and teacher from Bellwood 3R, Bellwood; 22 fourth grade students, teacher, and sponsors from Newell School, Grand Island; 12 third and fourth grade students and teacher from Brunning Public, Brunning; 75 fourth grade students, teachers, and adults from Millard; 21 eighth grade students, sponsors, and principal from Fullerton; 13 seniors, teacher, and principal from Nemaha Valley School, Cook; Former Senator and Speaker Don Thompson from McCook; and Mr. R. Jay Roberts from Scottsbluff.

ADJOURNMENT

At 4:57 p.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Friday, May 1, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SECOND DAY - MAY 1, 1981

LEGISLATIVE JOURNAL

SEVENTY-SECOND DAY - May 1, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

SEVENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 1, 1981

Pursuant to adjournment, the Legislature met at 9:07 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Ralph W. Sturdy, Pastor of First Evangelical Covenant Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman, Hefner, and Kremer who were excused; and Messrs. Burrows, Chambers, Cullan, Wiitala, Miss Kilgarin, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1666, line 6, strike "lost" and insert "was adopted".
Page 1666, line 11, strike "1599" and insert "1579".
The Journal for the Seventy-First Day was approved as corrected.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 30, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Moylan, James H. - Omaha, Dain Bosworth Incorporated

Tews & Radcliffe:
Walter H. Radcliffe - Lincoln, Nebraska Society of Professional Psychologists

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 76 and 284A.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Change to LB 76

The following change, required to be reported for publication in the Journal, has been made:

In the title, "to" in line 6, all of line 7, and "vehicles;" in line 8, have been stricken.

(Signed) Emory Burnett
E & R Attorney

ATTORNEY GENERAL'S OPINION

Opinion No. 87
April 30, 1981

Dear Senator V. Johnson:

You have asked us to examine the latest amendments to LB 284, and to give our opinion as to the distribution system it sets up for fiscal years 1980-1981 and 1981-1982, and also the system set up for 1982-1983 and subsequent fiscal years.

Sections 1 through 5 of the bill, as amended on April 27, provide for distribution of seventy million dollars in 1980-1981 and the same sum in 1981-1982. The basis of distribution is basically the same as that which we discussed in our Opinion No. 62, issued April 1, 1981, the only apparent difference being that in the version discussed in that opinion, the distribution for 1980-1981 was to be $72,500,000, instead of $70,000,000. In that opinion we said that there were numerous difficult questions raised by the sections in question, and that we could not predict with any assurance what the court would say when confronted by them, but that if one defect was corrected (which has been corrected in the present version) we would attempt to defend the validity of the first five sections of the bill. We have no reason to change our position in this regard.

Sections 7 through 11 of the amended bill provide for distributions to the state's political subdivisions for fiscal year 1982-1983 and following years. The basis of the distribution to the counties is the actual valuation of real and personal property in the counties, each county to get a percentage of the fund to be distributed equal to its percentage of all such real and personal property in the state. It is substantially identical to the system for distribution we discussed in our Opinion No. 78, issued April 14, 1981. In that opinion we reached the conclusion that assessed valuations, divorced from population, did not form a rational basis for the distribution of state aid. We are still of that opinion.

Section 13 of the bill is a severability clause. We believe that there is not so much correlation between sections 1 to 5 and sections 7 to 11 that the invalidity of one of those two portions of the bill would necessarily invalidate the other, in view of section 13. However, our court has said that a severability clause is merely an aid to interpretation, and not an inexorable command. See, Tom and Jerry, Inc. v. Nebraska Liquor Control Commission, 183 Neb. 410, 160 N.W.2d 232 (1968), and State ex rel. Meyer v. Duxbury, 183 Neb. 302, 160 N.W.2d 88 (1968). In spite of that clause, the court will examine the whole act, and its history, to see if the invalid parts could be eliminated without destroying the entire plan of the act, and whether the invalid parts constituted such an inducement to the passage of the act that the Legislature would not have passed it with the invalid portions omitted. In this instance, however, we believe the act is severable.

You express your concern about the possibility of some taxpayer's filing a suit challenging the act, and getting a temporary injunction against the distribution of the fund, or, in the alternative, ultimately prevailing and forcing a return to the state treasury of funds distributed under the bill.

Both of those are possibilities. If a private citizen brought the action, we suppose a court would require, before issuing a temporary injunction, that he post a bond, as required by Neb.Rev. Stat. §25-1067 (Reissue 1979). In view of the amount of money involved, we suppose the bond would be too large for any private citizen to post. However, we call your attention to Neb.Rev.Stat. §14-817 (Reissue 1977), which provides that a city of the metropolitan class is not required to post bonds. Conceivably, an action could be brought in the name of the City of Omaha and a temporary injunction could be issued without a bond's being posted.

You also ask about what would happen if money were distributed under a formula subsequently found to be unconstitutional. It would be difficult to argue that the money so disbursed should not be returned to the state treasury.

If the formula is unconstitutional, the money will have been wrongfully disbursed, and, it would appear, should be returned. In State ex rel. Douglas v. Marsh, 207 Neb. 598 (1980), the court granted a temporary restraining order, and in that order stated that if the funds were distributed, and if the distribution were later found to be unconstitutional, the funds distributed would be required to be refunded.

We cannot give you a definite answer at this time as to the exact procedure that would be used to secure the refunds. Pretty clearly the court could not order each political subdivision in the state to repay the funds, because such subdivisions would not be parties to the action. The court might order the treasurer to withhold sums otherwise distributable to them until the refunds had been accomplished. We believe there is no statute covering this exact situation, nor any precedent, in this state, at least, but the court, in the exercise of its equity powers, could order the refunds to be accomplished, in some manner, including, if necessary, suits against the individual political subdivisions.

An attack on LB 284 would probably be brought in district court, as factual findings might be necessary. If so, we would be fortunate to have the case decided by the district court and the appeal perfected to the Supreme Court in much less than a year. Then, assuming that the Supreme Court would give the case top priority, it would take at least six months to get a decision out of the Supreme Court. It would be unrealistic to expect a final decision before very late in 1982, unless the courts and opposing counsel were very cooperative and gave the case very high priority.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: LB 290.

RESOLUTION

LEGISLATIVE RESOLUTION 66. Read. Considered.

LR 66 was adopted with 26 ayes, 0 nays, and 23 not voting.

GENERAL FILE

LEGISLATIVE BILL 12. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 501. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 1 nay, 10 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 472. Title read. Considered.

Mr. Hoagland renewed his pending amendment found in the Journal on page 1673.

The amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 451. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

Req. #2362

1. Insert the following new sections:

"Section 1. That section 66-403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-403. Before engaging in business as a dealer, every person shall procure a license from the Tax Commissioner, permitting him or her to transact such business within the State of Nebraska. The Tax

Commissioner upon the application of any person or persons who filed the certificate required in section 66-402, may issue a license as provided in this section. ~~aforesaid; Provided, the applicant shall have furnished good and sufficient security running to the State of Nebraska, conditioned for the payment of all taxes, interest, penalties, and costs which may be assessed against him under the provisions of sections 66-401 to 66-425 whether such liability is incurred prior to or after such security is filed.~~

Sec. 2. That section 66-404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-404. ~~Every applicant, except as provided in section 66-405.01, will be required to furnish and maintain security in the sum of not less than one thousand dollars and not more than fifteen thousand dollars. The amount of the security shall be fixed and determined by the Tax Commissioner, in approximately two times the average monthly tax liability of the applicant.~~ The Tax Commissioner, whenever he or she deems it necessary to insure compliance with sections 66-401 to 66-481, may require any dealer subject to the provisions of sections 66-401 to 66-481 to place with the commissioner such security as he or she may determine. The amount and duration of the security shall be fixed by the Tax Commissioner and shall not be greater than two times the total estimated average monthly tax liability payable by such dealer pursuant to sections 66-401 to 66-481 or fifteen thousand dollars, whichever is the lesser amount. Such security may consist of a surety bond executed by a surety company duly licensed and authorized to do business within this state in the amount specified by the Tax Commissioner, or in the discretion of the Tax Commissioner pursuant to published regulations may consist of any of the following: (1) Bonds or other obligations of the United States, the State of Nebraska, or any city or county of the state of an actual market value not less than the amount specified by the Tax Commissioner; (2) certificates of deposit issued by a bank doing business in the state and insured by the Federal Deposit Insurance Corporation, in amounts not exceeding the federally-insured amount, and in the total amount specified by the Tax Commissioner; or (3) investment certificates or share accounts issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation, in the amounts not exceeding the federally-insured amount, and in the total amount specified by the Tax Commissioner. Such security shall run to the Department of Revenue of the State of Nebraska and be conditioned upon the payment of all taxes, interest, penalties, and costs for which such dealer is liable, whether such liability was incurred prior to or after such security is filed.

Sec. 7. That section 66-609, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-609. ~~No special fuel dealer's license shall be issued to any person or continued in force unless such person, except as provided in section 66-405.01, has furnished and maintained for each license issued security in such form and amount as the motor fuel tax administrator may require, but in a sum not less than one thousand dollars and not more than fifteen thousand dollars, to secure his compliance with the provisions of sections 66-601 to 66-640, and the payment of any and all taxes, including interest and penalties due and to become due under the provisions of sections 66-601 to 66-640. The amount of security shall be fixed and determined by the motor fuel tax administrator, in approximately two times the average monthly tax liability of the applicant.~~ The motor fuel tax administrator, whenever he or she deems it necessary to insure compliance with sections 66-601 to 66-638, may require any special fuel dealer subject to the provisions of sections 66-601 to 66-638 to place with the administrator, such security as he or she may determine. The amount and duration of the security shall be fixed by the motor fuel tax administrator and shall not be greater than two times the estimated average monthly tax liability payable by such dealer pursuant to sections 66-601 to 66-638 or fifteen thousand dollars, whichever is the lesser amount. Such security may consist of a surety bond executed by a surety company duly licensed and authorized to do business within this state in the amount specified by the motor fuel tax administrator, or in the discretion of the motor fuel tax administrator pursuant to published regulations may consist of the following: (1) Bonds or other obligations of the United States, the State of Nebraska, or any city or county of the state of an actual market value not less than the amount specified by the motor fuel tax administrator; (2) certificates of deposit issued by the Federal Deposit Insurance Corporation, in amounts not exceeding the federally-insured amount, and in the total amount specified by the motor fuel tax administrator; or (3) investment certificates or share accounts issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation, in amounts not exceeding the federally-insured amount, and in the total amount specified by the motor fuel tax administrator. Such security shall run to the Department of Revenue of the State of Nebraska and be conditioned upon the payment of all taxes, interest, penalties, and costs for which such dealer is liable, whether such liability was incurred prior to or after such security is filed.

Sec. 8. That section 66-611, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-611. Upon receipt of the application ~~and security~~ in proper form, the motor fuel tax administrator shall issue to the applicant a license to act as a special fuel dealer; Provided, the motor fuel tax administrator may refuse to issue a special fuel dealer's license to any person: (1) Who formerly held a special fuel dealer's license which, prior to the time of filing the application, has been revoked for cause; (2) who is a subterfuge for the real party in interest whose license, prior to the time of filing the application, has been revoked for cause; or (3) upon other sufficient cause being shown. Before such refusal, the motor fuel tax administrator shall grant the applicant a hearing and shall grant him or her at least ten days' written notice of the time and place.

Sec. 9. That section 66-618, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-618. For the purpose of determining the amount of his or her liability for the tax imposed by the provisions of sections 66-601 to 66-640, each special fuel dealer shall file with the motor fuel tax administrator, on forms prescribed by the administrator, a monthly tax return. The return shall contain a declaration, by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the return and shall be in lieu of such verification. The return shall show, with reference to each location at which special fuel is delivered or placed by such dealer into a fuel supply tank of any motor vehicle, such information as the motor fuel tax administrator may reasonably require for the proper administration and enforcement of the provisions of sections 66-601 to 66-640; Provided, that if a special fuel dealer is also a wholesale distributor of a special fuel at a location where special fuel is delivered into the supply tank of a motor vehicle, and if separate storage is provided thereat from which special fuel is delivered or placed into fuel supply tanks of motor vehicles, the monthly return to the administrator covering such location need not include inventory control data covering bulk storage from which wholesale distribution of special fuel is made. The special fuel dealer shall file the return on or before the twentieth day of the next succeeding calendar month following the monthly period to which it relates. If the final filing date falls on a Saturday, Sunday, or legal holiday, the next secular or business day shall be the final filing date. Such reports shall be considered filed on time if mailed in an envelope property addressed to the motor fuel tax administrator, and postmarked before midnight of the final filing date; Provided, that for good cause the administrator may grant a taxpayer reasonable extensions of time for filing, but not to exceed ten days in the aggregate for any one return.

Notwithstanding any other provision of this section, the motor fuel tax administrator may by rule and regulation permit or require quarterly, semiannual, or annual reports and tax payments from each special fuel dealer who has small tax liabilities, except that no such reports or payments may be permitted or required when the tax liability exceeds one hundred fifty dollars in any quarter, three hundred dollars in any semiannual period, or six hundred dollars in any year.”.

2. On page 5, line 1 after “sections” insert “66-403, 66-404, 66-410.03,” and strike “and” and insert a comma; in line 2 after “66-442,” insert “66-609, 66-611, and 66-618,”; and in line 3 after the last comma insert “and also sections 66-405.01, 66-504, and 66-634, Reissue Revised Statutes of Nebraska, 1943,”.

3. Strike standing committee amendments 4 and 7.

4. In the standing committee amendments, page 1, line 8, strike “Sec. 3.” and insert “Sec. 4.”.

5. Strike E and R amendment 1.

6. Renumber remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 428. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 472A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 99. Title read. Considered.

Standing Committee amendments found in the Journal on page 696 for the Thirty-Third Day were adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 385. Title read. Considered.

Standing Committee amendment found in the Journal on page 739 for the Thirty-Sixth Day were considered.

Mr. Wagner offered the following amendment to the Standing Committee amendment:

On page 7, line 9 after “84-306.01 add “to 84-306.05”.

The Wagner amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 25 ayes, 4 nays, 12 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Cullan asked unanimous consent to print the following amendment to LB 451 in the Journal. No objections. So ordered.

1. On page 18, section 11, line 24, insert the following:
The Department of Health shall accept in lieu of the examination provided in subdivision (5) of this section, a certificate of examination issued by the National Board of Osteopathic Examiners of the United States of America. Every applicant for a license upon the basis of such certificate shall be required to pay the fees prescribed for licenses issued in osteopathic medicine and surgery without examination, based upon a license by examination held in another state, territory, or the District of Columbia.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 477A. By Pirsch, 10th District.
This bill introduced on behalf of: LB 477.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 477, Eighty-seventh Legislature, First Session, 1981.

GENERAL FILE

LEGISLATIVE BILL 181. Title read. Considered.

Standing Committee amendments, Req. #2135, printed separate from the Journal and referred to on page 784 for the Thirty-Eighth Day were considered.

Mr. Wesely asked unanimous consent to withdraw his pending amendments found in the Journal on pages 1175 and 1227. No objections. So ordered.

Mr. Wesely offered the following amendment to the Standing Committee amendments:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2364.)

The Wesely amendment was adopted with 16 ayes, 0 nays, 25 present and not voting, and 8 excused and not voting.

Mr. Vickers offered the following amendment to the Standing Committee amendments:
1. On page 54, line 14, after the underscored comma insert ''including information on the total generating capacity owned by Nebraska suppliers and the total peak load demand of the previous year,''.

The Vickers amendment was adopted with 17 ayes, 0 nays, 24 present and not voting, and 8 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 361. Title read. Considered.

Standing Committee amendment found in the Journal on page 829 for the Fortieth Day was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Wesely renewed his pending amendment, Req. #2190, found in the Journal on page 998.

The amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Wesely offered the following amendment:
Add the Emergency Clause to LB 361.

The amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 417. Title read. Considered.

Standing Committee amendments, Req. #2143, found in the Journal on page 857 for the Forty-First Day were considered.

Laid over.

LEGISLATIVE BILL 228. Title read. Considered.

Standing Committee amendments found in the Journal on page 913 for the Forty-Third Day were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

MR. DWORAK PRESIDING

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 242. Title read. Considered.

Standing Committee amendment found in the Journal on page 913 for the Forty-Third Day was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 494. Title read. Considered.

Standing Committee amendments, Req. #2129, found in the Journal on page 920 for the Forty-Third Day were adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 561 in the Journal. No objections. So ordered.

PURPOSE: To increase funds for Aid to Dependent Children payments to be $293 for the first person and $71 for each additional child.

AMENDMENT:
On page 10, in line 25, strike “69,561,975” and insert “71,319,355”; in line 26, strike “21,296,332” and insert “21,621,038”; in line 27, strike “143,123,773” and insert “145,801,585”.

On page 11, in line 1, strike “233,982,080” and insert “238,741,978”; in line 25, strike “24,282,671” and insert “26,040,051”; in line 26, strike “33,698,589” and insert “36,376,401”; in line 27, strike “57,981,260” and insert “62,416,452”.

On page 12, in line 25, strike “19,140,318” and insert “19,465,024”; in line 27, strike “131,819,494” and insert “132,144,200”.

On page 13, in line 20, strike “78,587,785” and insert “80,345,165”; in line 21, strike “21,296,332” and insert “21,621,038”; in line 22, strike “156,742,538” and insert “159,420,350”; in line 23, strike “256,626,655” and insert “261,386,553”.

Mr. Vickers asked unanimous consent to print the following amendment to LB 245A in the Journal. No objections. So ordered.

1. On page 2, after line 8, insert:

“The funds appropriated in this section shall not be expended by the Board of Regents until:

(1) The federal funds required by section 85-180.05 have been made available; and

(2) Agreements authorized by section 85-180.01 have been made with at least two other states.

Pending the meeting of such requirements, the funds appropriated in this section shall be invested by the state investment officer as provided in Chapter 72, article 12. When both such requirements have been met, the funds appropriated by this section, plus investment income, may be expended by the Board of Regents for Program 939 as specified in this section.''.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 369. Title read. Considered.

Standing Committee amendments found in the Journal on page 921 for the Forty-Third Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 310. Title read. Considered.

Standing Committee amendment found in the Journal on page 929 for the Forty-Fourth Day was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 66.

GENERAL FILE

LEGISLATIVE BILL 497. Title read. Considered.

Standing Committee amendment found in the Journal on page 937 for the Forty-Fourth Day was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Wesely offered the following amendment:

1. On page 2, line 2, after ''31-535,'' insert ''51-409,''; in line 3 strike ''and'' and insert ''81-101.01, 81-102.01,''; in line 4 after ''81-2,197,'' insert ''81-701.05, 81-812.01 to 81-812.03, and 82-116,''; in line 5 strike

"section" and insert "sections" and before ", Revised" insert "and 81-812.04".

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 250. Title read. Considered.

Standing Committee amendments found in the Journal on page 960 for the Forty-Fifth Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 302. Title read. Considered.

Standing Committee amendments, Req. #2159, found in the Journal on page 960 for the Forty-Fifth Day were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 7 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 396. Title read. Considered.

Standing Committee amendments, Req. #2109, found in the Journal on page 966 for the Forty-Fifth Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 543. Title read. Considered.

Standing Committee amendments, Req. #2218, found in the Journal on page 1075 for the Forty-Eighth Day were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Schmit offered the following amendment:
That the emergency clause be added.

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. DeCamp offered the following amendment:

1. On page 10, line 9, after "persons" insert an underscored period; and strike beginning with the comma in line 9 through the period in line 12 and show as stricken.

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 70. Title read. Considered.

Standing Committee amendments found in the Journal on page 985 for the Forty-Fifth Day were adopted with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 285. Title read. Considered.

Standing Committee amendments, Req. #2183, found in the Journal on page 992 for the Forty-Sixth Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 324. Title read. Considered.

Standing Committee amendments found in the Journal on page 1024 for the Forty-Seventh Day were adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 487. Title read. Considered.

Standing Committee amendments, Req. #2126, found in the Journal on page 1036 for the Forty-Seventh Day were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wesely asked unanimous consent to have his name added to LB 361. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Amendment to LB 324

Mr. Landis asked unanimous consent to withdraw his pending amendment to LB 324 found in the Journal on page 921. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 396A. By Carsten, 2nd District.
This bill introduced on behalf of: LB 396.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 396, Eighty-seventh Legislature, First Session, 1981.

GENERAL FILE

LEGISLATIVE BILL 316. Title read. Considered.

Standing Committee amendments found in the Journal on page 1040 for the Forty-Seventh Day were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 441. Title read. Considered.

Standing Committee amendments found in the Journal on page 1042 for the Forty-Seventh Day were adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 224. Title read. Considered.

Standing Committee amendment found in the Journal on page 1051 for the Forty-Eighth Day was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 485. Title read. Considered.

Standing Committee amendments found in the Journal on page 1052 for the Forty-Eighth Day were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

MR. CLARK PRESIDING

LEGISLATIVE BILL 544. Title read. Considered.

Standing Committee amendment found in the Journal on page 1052 for the Forty-Eighth Day was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 303. Title read. Considered.

Standing Committee amendments, Req. #2210, printed separate from the Journal and referred to on page 1060 for the Forty-Eighth Day were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 216. Title read. Considered.

Standing Committee amendments, Req. #2123, found in the Journal on page 1070 for the Forty-Eighth Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 322. Title read. Considered.

Standing Committee amendments found in the Journal on page 1071 for the Forty-Eighth Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 192. Title read. Considered.

Standing Committee amendments found in the Journal on page 1073 for the Forty-Eighth Day were considered.

Miss Kilgarin, Messrs. Hoagland, and Vickers offered the following amendment to the Standing Committee amendments:

Amend LB 192 by striking "shall" on page 2, line 15 and inserting ", in its discretion, may"; strike "except" in line 16, page 2,; and striking lines 17-20, page 2.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Maresh moved to overrule the Speaker's agenda and continue the debate of LB 192.

The Maresh motion to overrule the Speaker's agenda lost with 11 ayes, 14 nays, 19 present and not voting, and 5 excused and not voting.

Amendment pending.

LEGISLATIVE BILL 411. Title read. Considered.

Standing Committee amendments found in the Journal on page 1073 for the Forty-Eighth Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 344. Title read. Considered.

Standing Committee amendments found in the Journal on page 1388 for the Sixtieth Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 172. Title read. Considered.

Standing Committee amendments found in the Journal on page 1086 for the Forty-Ninth Day were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Dworak asked unanimous consent to be excused Monday and Tuesday, May 4 and 5, 1981. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 547 in the Journal. No objections. So ordered.

Req. #2363

1. Insert the following new sections:

"Sec. 43. That section 2-3930, Revised Statutes Supplement, 1980, as amended by section 3, Legislative Bill 333, Eighty-seventh Legislature, First Session, 1981, be amended to read as follows:

2-3930. (1) It shall be unlawful for any person to engage in business as a milk producer, milk grader, bulk milk collector, bulk milk hauler, dairy plant, cream station, or transfer station unless such person fully complies with the licensing requirements set forth in subsections (2) through (5) of this section.

(2) Except as provided in subsection (5) of this section, all persons engaged in a business listed under subsection (1) of this section must obtain an annual license from the department, which license shall expire on July 31 of the year following issuance. Licenses shall be issued only following an inspection revealing that the applicant is in compliance with sections 2-3901 to 2-3946. Applicants for a license shall submit a written application to the department on forms prescribed

by the department, and shall pay the annual license fees set forth in subsection (3) of this section.

(3) The department shall charge the following license fees:

(a) Dairy Plant	$100.00
(b) Transfer station	50.00
(c) Grader, collector, or hauler	25.00
(d) Cream station	25.00
(e) Producer	None.

(4) All license fees paid to the department in accordance with sections 2-3901 to 2-3946 shall be paid to the state treasury and shall be credited by the State Treasurer to the Manufacturing Milk Cash Fund, which fund is hereby created. All fees credited to the fund shall be appropriated to the uses of the department to aid in defraying the expenses of administering sections 2-3901 to 2-3946.

(5) Individuals licensed as milk ~~transporters or~~ haulers under the Nebraska Pasteurized Milk Law shall not be required to be licensed or to pay fees as milk graders, bulk milk collectors, or bulk milk haulers under the provisions of this section.

Sec. 46. That original section 2-3930, Revised Statutes Supplement, 1980, as amended by section 3, Legislative Bill 333, Eighty-seventh Legislature, First Session, 1981, is repealed.".

2. On page 33, line 15, strike "This" and insert "Sections 43, 46, and 48 of this act shall become operative on their effective date, the other sections of this".

3. Renumber original sections 43, 44, 45, and 46 as sections 44, 45, 47, and 48, respectively.

Mr. Kahle asked unanimous consent to print the following amendment to LB 239 in the Journal. No objections. So ordered.

1. Insert the following new section:

"Sec. 7. This act shall not apply if public access has been granted prior to the effective date of this act.".

2. Renumber original section 7 as section 8.

Messrs. Vickers and Schmit asked unanimous consent to print the following amendment to LB 346 in the Journal. No objections. So ordered.

1. On page 20, line 22, strike "their" and insert "such juvenile's".

2. On page 26, line 15, strike "their" and

insert "such juvenile's".

3. On page 30, strike beginning with "Notwithstanding" in line 25 through the period in line 27.

4. On page 34, line 26 after "Institutions" insert "or the Department of Correctional Services under section 43 of this act".

5. Strike Standing Committee amendment 17.

VISITORS

Visitors to the Chamber were 43 fifth and sixth grade students, teachers, and sponsors from Humboldt Elementary School, Humboldt; 58 fourth grade students, teachers, and sponsors from Central School, Blair; 72 eighth grade students, teachers, and sponsors from St. Roberts School, Omaha; 50 eighth grade students, teachers, and sponsors from Tarkio, Missouri; 70 fourth grade students, teachers, and sponsors from Golden Hills School, Papillion; 10 students and sponsor from Bloomington; 10 students, teacher, and sponsors from Otoe Elementary and Junior High School; 45 fourth grade students, teachers, and sponsors from Cedar Elementary School, Beatrice; Mrs. John Scott and grandson, Eric; 41 seventh and eighth grade students, teacher, and sponsors from Silver Creek Public School, Silver Creek; 12 students, teacher, and sponsors from Vinton-District #23, Ord; 64 fourth grade students, teachers, and sponsors from Willard School, York; and 34 sixth grade students and teachers from Creighton Elementary, Creighton.

ADJOURNMENT

At 2:06 p.m., on a motion by Mr. Koch, the Legislature adjourned until 9:30 a.m., Monday, May 4, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-THIRD DAY - MAY 4, 1981

LEGISLATIVE JOURNAL

SEVENTY-THIRD DAY - May 4, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE FIRST SESSION

SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 4, 1981

Pursuant to adjournment, the Legislature met at 9:34 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminister Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Dworak who was excused; and Miss Kilgarin, Messrs. Chambers, Fowler, Hoagland, Haberman, Schmit, Stoney, and Vickers who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Second Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 88
April 30, 1981

Dear Senator Clark:

In your letter to this office dated April 7, 1981, you requested our opinion as to the constitutionality of LB 11 and our opinion as to the constitutionality of current statutory "check-off" programs similar to LB 11. Under the policies of this office, we do not give our opinion as to the constitutionality of currently existing statutes. Therefore, our opinion expressed herein is directed towards LB 11 and not towards currently existing portions of the Nebraska Revised Statutes. Furthermore, while we understand that LB 11 has incurred several amendments during this session of the Legislature, our opinion as to the constitutionality of LB 11 is directed towards the original form of the bill as requested in your letter.

LB 11, the Grain Sorghum Resources Act, would establish the Grain Sorghum Development, Utilization and Marketing Board which would have various responsibilities involved with development and participation in programs of research, education, market development and promotion for grain sorghum. The bill provides for the composition and duties of the board and contains definitional sections defining "grower," "first purchaser" and other relevant terms. Under LB 11, the Grain Sorghum Development, Utilization and Marketing Board will receive a fee of not to exceed one cent per hundred weight upon all grain sorghum sold through commercial channels in the State of Nebraska. The fee will be paid by the grower at the time of sale or delivery and will be collected by the first purchaser. The board may reduce this fee if it determines that revenues generated by the fee are providing more funds than are necessary to carry out the intent and purposes of the bill. The bill further provides for referendum procedures where, after a trial period of three years, sorghum growers in the state may choose to end the program or may choose to have an elected board as opposed to a board appointed by the Governor. Many of these election procedures would be administered by the Director of Agriculture. LB 11 is similar to current statutory programs involving wheat, soybeans, potatoes and other commodities. See, Neb.Rev.Stat. §§2-3301, et seq. (Reissue 1977).

Our research has disclosed no Nebraska Supreme Court cases dealing directly with the overall constitutionality of the type of program envisioned by LB 11. However, numerous courts in other states have considered commodities programs similar to that set forth in this bill. See, State ex rel. Graham v. Enking, 59 Idaho 321, 82 P.2d 649 (1938), Robison v. Dwyer, 58 Wash.2d 576, 364 P.2d 521 (1961), Wicklam v. Trapani, 246 N.Y.S.2d 137, 41 Misc.2d 749 (1964), Ralston Purina Co. v. Hagemeister, 188 N.W.2d 405 (N.D. 1971), State v. Vahlsing, 88 A.2d 144 (Me. 1952). In most of these cases from other jurisdictions, programs similar to LB 11 have been held to constitute a form of excise tax. Furthermore, in all the cases cited above, the programs involved have been upheld as constitutional. The various state courts have held that programs similar to that envisioned by LB 11 do not violate constitutional guarantees of due process or equal protection, that they do have an acceptable public purpose, and that they do not involve an impermissible delegation of legislative authority.

Our research has also disclosed some cases which have held programs similar to that set forth in LB 11 to be unconstitutional. See, Conlen Grain & Mercantile, Inc. v. Texas Grain Sorghum Producers Board, 519 S.W.2d 620 (Tex. 1975), Conner v. Joe Hatton, Inc., 203 So. 2d 154 (Fla. 1967). However, the facts involved in each of these cases can be distinguished from the situation which would exist under LB 11. The Conlen case involved a Texas constitutional provision which is not present in our Nebraska Constitution. In the Conner case, the commissioner who set fees under the commodity program was given unlimited discretion to determine the amount of those fees. Under LB 11, the Grain Sorghum Development, Utilization and Marketing Board is given specific guidelines for the amount of fees to be charged to growers. We also note the case of Dukesherer Farms, Inc. v. Ball, 405 Mich. 1, 273 N.W.2d 877 (1979), in which the Supreme Court of Michigan held that a program similar to that contained in LB 11 levied an assessment rather than an excise tax. The Michigan court went on to hold that the assessment levied under the program was constitutional.

While there are no Nebraska Supreme Court cases directly considering the constitutionality of legislation similar to LB 11, our Supreme Court has indicated that excise taxes may be authorized by law. Licking v. Hayes Lumber Co., 146 Neb. 240, 19 N.W.2d 148 (1945). If the fees charged under LB 11 are considered to be an excise tax, this case would seem to support the constitutionality of such a tax levy. Also, in general, our Supreme Court has indicated that the taxing power of the Legislature is without limit except as may be specifically proscribed by our Constitution itself. State v. Cheyenne County, 127 Neb. 619, 256 N.W. 67 (1934).

We would also draw to your attention previous opinions of this office which indicated that legislation similar to LB 11 could be construed to encompass a proper public purpose and did not exceed the limitations of Article XIII, Section 3 of the State Constitution regarding extending the credit of the state. 1979-1980 Report of the Attorney General, No. 91 at 132, 1975-1976 Report of the Attorney General, No. 46 at 51.

Based upon the various authorities discussed above, it is our opinion that the general provisions of LB 11 establishing the Grain Sorghum Development, Utilization and Marketing Board are constitutional. It is also of our opinion that the board may legally charge the fees set forth in LB 11 in the manner directed by the bill. However, as discussed below, we have some question as to the validity of the referendum section of LB 11.

As you may be aware, the constitutional validity of the Nebraska Dry Bean Resources Act, an act similar to LB 11, was tested in the

Lancaster County District Court in 1979. State ex rel. Douglas v. Stewart, Lancaster County District Court, Docket 329, P. 22. In that case, the district court found the Nebraska Dry Bean Resources Act unconstitutional primarily on the basis of the election provisions contained in the act. The act set forth general provisions similar to those found in LB 11 but made them operative only upon an affirmative referendum vote of dry bean growers. The court found that the election provisions of the Dry Bean Resources Act violated equal protection constraints, due process constraints, special legislation and special election constraints, and were void for statutory vagueness. A copy of the court's memorandum opinion, issued November 7, 1979, is attached to this letter for your information.

In addition to the decision by the Lancaster County District Court in the Stewart case, this office was requested to consider the validity of amendments to the Nebraska Dry Bean Resources Act which would allow the imposition of an excise fee on dry bean growers only upon an affirmative vote by a majority of the growers. We again stated that such election provisions would be constitutionally suspect under the rationale expressed in the Stewart case. 1979-1980 Report of the Attorney General, No. 273 at 391.

The election referendum procedures set forth in LB 11 differ from those which were the focus of the opinion in the Stewart case and those which were the focus of the opinion issued by this office in that the operation of LB 11 is not conditioned upon an affirmative special referendum of sorghum growers. Under the Nebraska Dry Bean Resources Act, the whole act itself was conditioned upon an affirmative election by the bean growers. The fact that the elections under LB 11 do not make the legislation itself operative would cure some of the problems faced by the court in the Stewart case. However, in the Stewart case, the court found that the definition of growers entitled to vote in the election was unconstitutionally vague. That definition is nearly identical to the definition of grower set forth in LB 11. Furthermore, the court in the Stewart case stated that the special referendum election under the act constituted special legislation purporting to authorize the Department of Agriculture to conduct a special referendum in a fashion separate and apart from the general election law set out at Neb.Rev.Stat. §§32-101, et seq. (Reissue 1978). The court noted that this type of special referendum was in violation of Article III, Section 18 of the Nebraska Constitution. It appears to us that this same argument could be made in reference to the special referendum procedures outlined in LB 11. On the basis of the above, it seems that the special referendum procedures set forth in LB 11 could well be constitutionally suspect under the rationale of the Stewart case and under the rationale of our opinion issued in 1980.

In summary, it is our opinion that the general provisions of LB 11 relating to the establishment of the Grain Sorghum Development, Utilization and Marketing Board and relating to fees to be charged to sorghum growers are constitutional. However, we feel that those provisions of LB 11 relating to a special referendum of sorghum growers could well be constitutionally suspect.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

DAC:sjr
cc: Patrick J. O'Donnell
Clerk of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 1, 1981, at 2:30 p.m., were the following bills: 290 and 536.

(Signed) Hazel Kaltenberger, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

May 1, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 249, 298, and 536, as well as Reengrossed Legislative Bills 290 and 478 were received in my office this week.

These bills were signed by me on May 1, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

REPORT

Received audit reports from the following agencies: Environmental Control, Treasurer, Health, Retirement, Aid to Technical Community Colleges, Education, Aging, Secretary of State, Welfare, Commission on Drugs, Agriculture, and Investment Council.

MESSAGE FROM THE GOVERNOR

April 23, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Advisory Committee to the Departments of Public Welfare, Institutions and Corrections, requiring legislative confirmation:

> Ray Young, 6917 North 52nd Street, Omaha 68152, term expiring January 1, 1985.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Ray Young
Advisory Committee to Departments
of Public Welfare, Institutions
and Corrections

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 531 in the Journal. No objections. So ordered.

1. In the DeCamp amendments on page 1048 of the Journal in lines 8 and 9 before "incurred" insert "reasonably and necessarily"; and in line 12 before "incurred" insert "reasonably and necessarily".

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 327.

A BILL FOR AN ACT relating to indebtedness; to change an exemption provision; to permit bankruptcy filings as prescribed; to amend section 44-371, Revised Statutes Supplement, 1980; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 4:

Johnson, V.
Maresh
Newell
Warner

Present and not voting, 3:

Burrows
Fitzgerald
Marvel

Excused and not voting, 6:

Chambers
Dworak
Fowler
Hoagland
Kilgarin
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 331.

A BILL FOR AN ACT relating to agricultural products; to promote a program to encourage the development of food products from distillers' grain or the process of ethanol distillation; to provide duties for the Nebraska Gasohol Committee; to provide for a development gratuity.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 5:

Chambers
Dworak
Fowler
Hoagland
Kilgarin

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendment to LB 190

Mr. Warner asked unanimous consent to withdraw his pending amendment to LB 190 found in the Journal on page 1276. No objections. So ordered.

MOTION - Return LB 190 to Select File

Mr. Warner moved to return LB 190 to Select File for the specific amendment found in the Journal on page 1487.

The motion prevailed with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 190. The Warner specific amendment found in the Journal on page 1487 was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 11. E & R amendments found in the Journal on page 1474 for the Sixty-Fourth Day were adopted.

Laid over.

LEGISLATIVE BILL 346. E & R amendments found in the Journal on page 1475 for the Sixty-Fourth Day were adopted.

Mr. V. Johnson renewed his pending amendment found in the Journal on page 1440.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Beutler
Cullan
Fowler
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Maresh
Marsh
Newell
Schmit
Sieck
Vickers
Wiitala

Voting in the negative, 26:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Marvel
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Wagner
Warner

Present and not voting, 4:

Burrows
Higgins
Peterson, R.
Wesely

Excused and not voting, 2:

Chambers Dworak

Absent and not voting, 1:

Lamb

The V. Johnson amendment lost with 16 ayes, 26 nays, 4 present and not voting, 2 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. Nichol asked unanimous consent to withdraw his pending amendment found in the Journal on page 1440. No objections. So ordered.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendments found in the Journal on page 1443. No objections. So ordered.

Mr. V. Johnson renewed his pending amendment found in the Journal on page 1459.

The amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Nichol renewed his pending amendment found in the Journal on page 1550.

The amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Messrs. Vickers and Schmit renewed their pending amendment found in the Journal on page 1694.

Mr. Schmit moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Schmit requested a roll call vote.

Voting in the affirmative, 14:

Barrett
Burrows
Carsten
Chronister
Cullan
Haberman
Hefner
Johnson, V.
Lamb
Maresh
Rumery
Schmit
Vickers
Warner

Voting in the negative, 24:

Clark
Cope
DeCamp
Fowler
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Nichol
Peterson, H.
Pirsch
Remmers
Sieck
Stoney
Von Minden
Wagner
Wesely
Wiitala

Present and not voting, 7:

Beutler
Beyer
Fenger
Fitzgerald
Goll
Higgins
Peterson, R.

Excused and not voting, 2:

Chambers
Dworak

Absent and not voting, 2:

Goodrich
Newell

The Vickers-Schmit amendment lost with 14 ayes, 24 nays, 7 present and not voting, 2 excused and not voting, and 2 absent and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LB 95 in the Journal. No objections. So ordered.

1. On page 17, line 11, strike "ten" and insert "seven"; and in line 12 after "custody" insert "unless additional time is requested by the subject".

2. On page 18, line 21, strike "a" and insert "~~a~~ two"; in line 22 strike "professional", show as stricken, and insert "professionals"; in line 25 after the period insert "Each examining mental health professional shall submit to the county attorney a signed statement concerning the subject's mental state."; and in line 26 strike "professional", show as stricken, and insert "professionals", and strike "a member", show as stricken, and insert "members".

3. On page 19, line 2, strike "professional", show as stricken, and insert "professionals".

4. On page 25, line 7, after "counsel" insert "as soon as possible after a subject is taken into

emergency custody or a petition is filed''.

5. On page 30, line 12, after the comma insert ''and such failure to adhere to release conditions poses a danger to such person or another,''.

Mr. Barrett asked unanimous consent to print the following amendment to LB 376 in the Journal. No objections. So ordered.

(Amendments to Committee Amendments)

1. In line 2, strike the period and insert ''; beginning with 'in' in line 22 through the period in line 27, strike the new matter and reinstate the stricken matter; and in line 24 strike 'two', show as stricken, and insert 'three'.''.

2. Insert the following new amendments:

''2. Strike original sections 2 and 3.

3. On page 10, line 4, strike 'sections' and insert 'section', and strike 'and 8-903'; and in line 5 strike 'are' and insert 'is'.''.

Mr. Landis asked unanimous consent to print the following amendment to LB 499 in the Journal. No objections. So ordered.

1. On page 12, strike lines 25 through 27 and all amendments thereto and insert ''regional community-based programs and services as to a specific placement, designating residence, workshop, or services, which as a matter of factual determination by the court provide a lesser restrictive alternative to a facility and which are superior to that provided at a facility, are not available and cannot be made available for such client within a period of ninety days.''.

2. On page 13, strike lines 1 and 2.

3. In the Standing Committee amendments on page 2, line 21, strike ''shall'' and insert ''may''.

Mr. Von Minden asked unanimous consent to print the following amendment to LB 559 in the Journal. No objections. So ordered.

PURPOSE: To increase the Appropriations Committee recommended general fund appropriation for the Department of Veterans' Affairs by $23,768 and to reduce the federal fund estimate by $62,999.

AMENDMENT:

On page 29, line 17, strike ''264,426'' and insert ''288,194''; in line 18, strike ''167,509'' and insert ''104,510''; and in line 19, strike ''431,935'' and insert ''392,704''.

SPEAKER MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 334. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 334A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 11. Mr. Maresh renewed his pending amendment, Req. #2296 found in the Journal on page 1438.

Mr. Maresh offered the following amendment to the Maresh amendment:

Amend Request No. 2296 on page 9 line 17 strike ten and insert "seven & one half"

The amendment was adopted with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

Mr. Schmit renewed his pending amendment found in the Journal on page 1543 to the Maresh amendment.

The amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Wagner offered the following amendment to the Maresh amendment:

On page 6, lines 15 through 20 amend as follows:

"2-2306. All voting members ~~Members~~ of the board ~~shall receive no salary, but~~ shall be entitled to actual and necessary expenses, as provided for in sections 84-306.01 to 84-306.05 for state employees, while attending meetings of the board or while engaged in the performance of official responsbilities as determined by the board. ~~paid a per diem of ten dollars for each day they are actually and necessarily engaged in the transaction of business together with their actual expenses incurred while on official business.~~

The amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Maresh offered the following amendment to the Maresh amendment:

1. On page 12, line 3, reinstate the stricken language and insert "and"; line 7, strike "audit" and insert "review and approve".
2. Insert a new section to read as follows: "No funds collected by the board shall be expended directly or indirectly to promote or oppose any candidate for public office or to influence legislation".

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Maresh offered the following amendment to the Maresh amendment:

1. On page 14, line 9, strike "section" and insert "sections 2-3312, 2-3313 and 2-3314, Reissue Revised Statutes of Nebraska 1943 and sections"; and in line 9 after "2-2316.01," insert "2-3624, 2-3625, and 2-3626,".

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The Maresh amendment, as amended, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Wagner renewed his pending amendment found in the Journal on page 1447.

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Kahle asked unanimous consent to withdraw his pending amendment found in the Journal on page 1487. No objections. So ordered.

Mr. Maresh offered the following amendment:

1. Page 11, line 25, following "made", insert the following:

"If, within six months of the collection of a fee for grain sorghum that is mortgaged as a security for a loan under the federal price support program or other government agricultural loan programs, the grower decides to purchase the grain sorghum and use it as feed, the grower shall be entitled to a refund of the checkoff fee previously paid. The refund shall be payable by the board upon the grower's written application to the board for a refund of the amount deducted. Each application for a refund by a grower shall have attached thereto proof of the tax deducted."

2. Page 3, line 21, following "Agriculture", strike the comma and insert "and" and in line 23, beginning with the comma, strike through "Association" in line 24.

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Maresh offered the following amendment:

Amend LB 11 on page 11 in line 5 after (1) insert "after Aug 31 1981"

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Schmit asked unanimous consent to withdraw his pending amendment found in the Journal on page 1630. No objections. So ordered.

Mr. Maresh offered the following amendment:

(Green Copy)

Amend LB 11 by striking Sections 12, 13, 14 and Sec 2(5)

The amendment was adopted with 27 ayes, 1 nay, 19 present and not voting, and 2 excused and not voting.

MR. CLARK PRESIDING

Mr. Wiitala moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Engrossment with 27 ayes, 4 nays, 17 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Kremer asked unanimous consent to print the following amendment to LB 146 in the Journal. No objections. So ordered.

1. In the Standing Committee amendments, page 2, lines 21-23, strike ", and after the comma insert 'taking into account the type of irrigation system being used,'".

RESOLUTIONS

LEGISLATIVE RESOLUTION 68.

Introduced by Revenue Committee: Carsten, 2nd District, Chairperson; Warner, 25th District; Kahle, 37th District; Hefner, 19th District; Burrows, 30th District; H. Peterson, 35th District; V. Johnson, 8th District; Wagner, 41st District; Newell, 13th District.

PURPOSE:

To undertake a study of the statutory provisions relating to the taxation of special fuels and the obtaining of bonds by motor fuel and special fuel dealers as security for payment of tax. The study shall focus on the administrative workability of the present provisions pertaining to special fuel dealers and particularly the impact upon small dealers. In addition, the issue of whether it is necessary to require the posting of a bond for all motor and special fuel dealers shall be examined.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 69.

Introduced by Revenue Committee: Carsten, 2nd District, Chairperson; Newell, 13th District; Hefner, 19th District; Wagner, 41st District; Hoagland, 6th District; Beyer, 3rd District; Burrows, 30th District; Kahle, 37th District; H. Peterson, 35th District; V. Johnson, 8th District.

PURPOSE:

To undertake a study of the Nebraska State Inheritance tax in connection with LB 480, Eighty-Seventh Legislature, First Session. The study's examination shall include: (1) The structure of the state inheritance tax and its interrelationship with the federal estate tax and state estate tax; (2) The administrative aspects of the state inheritance tax, including its revenue-raising efficiency in comparison to other taxes and the total public and private costs incurred to determine inheritance tax liability; and (3) Options for offsetting the loss of revenue to the counties in the event the tax is abolished.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 70.

Introduced by Revenue Committee: Carsten, 2nd District, Chairperson; Newell, 13th District; Hefner, 19th District; Burrows, 30th District; Wagner, 41st District; Kahle, 37th District; H. Peterson, 35th District; V. Johnson, 8th District; Barrett, 39th District.

PURPOSE:
To undertake a study of the collection process of special assessments levied by local governments. The study's examination shall include: (1) Procedures for notification to property owners that special assessments have been levied, (2) The responsibility for collection of special assessments levied by the various types of local governments, and (3) Alternative procedures for collection of special assessments. The study shall be undertaken in connection with LB 467, Eighty-Seventh Legislature, First Session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 71.

Introduced by Revenue Committee: Carsten, 2nd District, Chairperson; Newell, 13th District; Hefner, 19th District; V. Johnson, 8th District; Burrows, 30th District; Kahle, 37th District; H. Peterson, 35th District; Wagner, 41st District; DeCamp, 40th District; Schmit, 23rd District; L. Johnson, 15th District.

PURPOSE:
To determine the most effective means of providing property tax relief by shifting the property tax burden to other forms of taxation. The study shall examine methods of state revenue-sharing to local governments and local government revenue and expenditure data. The Committee shall, on or before January 1, 1982, provide proposed legislation which prescribes the manner and dollar amounts necessary to implement a local government revenue-sharing and property tax relief program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MR. CLARK PRESIDING

SELECT FILE

LEGISLATIVE BILL 248. E & R amendment found in the Journal on page 1475 for the Sixty-Fourth Day was adopted.

Mr. Barrett renewed his pending amendment found in the Journal on page 1571.

The amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 248A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 463. E & R amendment found in the Journal on page 1475 for the Sixty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 381. E & R amendments found in the Journal on page 1488 for the Sixty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 3. Mr. V. Johnson asked unanimous consent to withdraw his pending amendments found in the Journal on page 1459. No objections. So ordered.

Messrs. DeCamp and Goodrich offered the following amendment:

Amend LB 3 by adding the Goodrich-Landis amendment found on Pg 1342 of the Journal.

Amendment pending.

VISITORS

Visitors to the Chamber were 7 cub scouts and leaders from Kearney; 38 students and teachers from Filley; 8 seniors and teacher from Bruning; and Steve Chick from Robin Mickle School, Lincoln.

RECESS

At 11:58 a.m., on a motion by Mr. Stoney, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Burrows and Dworak who were excused; and Messrs. Beutler, Chambers, Fowler, Hoagland, Mesdames Labedz, and Pirsch who were excused until they arrive.

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 548. Placed on General File as amended.
Standing Committee amendments to LB 548:
Req. #2368

1. On page 2, strike lines 10 through 14.
2. On page 6, strike lines 11 through 15.
3. On page 8, after line 7 insert the following:

"Claim No. 160, against the Public Employees Retirement Board, pay to Sharon J. Dorman, Rt. 2, Mitchell, Nebraska, 69357, out of the General Fund 56.02

Claim No. 121, against the Department of Public Welfare, pay to Donald L. Anderson, 2340 Park Lane, Nebraska City, Nebraska, 68410, 367.54
and pay to Pamida, Inc., 8800 F Street, Omaha, Nebraska, 68127, 23.46
out of the General Fund

Claim No. 039, against the Department of Public Institutions, pay to the Joseph J. Soukup Trust Fund, which is hereby created, out of the General Fund, $30,000.00. Such trust fund shall be invested by the state investment officer, pursuant to sections 72-1237 to 72-1259, and the income of such trust fund shall be paid periodically to Joseph J. Soukup for his maintenance and support. Upon the death of Joseph J. Soukup, the principal of the Joseph J. Soukup Trust Fund shall be returned to the General Fund.

Claim No. 053, against the Department of Health, pay to Grady Memorial Hospital, 80 Butler Street S.E., Atlanta, Georgia, 30303, out of the General Fund 52.20

Claim No. 003, against the Department of Education, pay to Crawford City Schools, 6th and Cootes, Crawford, Nebraska, 69339, out of the General Fund 216.00

Claim No. 128, against the Department of Education, pay to Crawford City Schools, 6th and Cootes, Crawford, Nebraska, 69339, out of the General Fund 432.00

Claim No. 075, against the University of Nebraska-Lincoln, pay to the City of Lincoln, 550 South 10th Street, Lincoln, Nebraska, 68508, out of the General Fund 7,097.45

Claim No. 181, against the Department of Correctional Services, pay to Robert F. Parratt and A.V. Nance, as joint debtors, P.O. Box 2500, Lincoln, Nebraska, 68502, out of the General Fund 2,903.50";

and after line 27 insert:

"Claim No. 035, against the State Treasurer, pay to Donald Brunken, Denton, Nebraska, 68339, out of the General Fund 4.29".

LEGISLATIVE BILL 549. Indefinitely postponed.

(Signed) Richard Maresh, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 72.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Schmit, 23rd District; Landis, 46th District; Labedz, 5th District; Haberman, 44th District; Remmers, 1st District; Clark, 47th District; Fitzgerald, 14th District.

PURPOSE:

LB 137, introduced by Senator Remmers and referred to the Banking, Commerce and Insurance Committee, would amend the Nebraska Motor Vehicle Safety Responsibility Act. The intent of the legislation would be to generally strengthen the current act and provide that proof of financial responsibility be shown prior to motor vehicle registration.

The Banking, Commerce and Insurance Committee voted to hold LB 137 in committee and that an interim study be conducted to reappraise the Nebraska Motor Vehicle Safety Responsibility Act in particular, and to examine alternative concepts to insure the financial responsibility of motor vehicle owners and operators in general.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 73.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Schmit, 23rd District; Landis, 46th District; Labedz, 5th District; Fitzgerald, 14th District; Haberman, 44th District; Remmers, 1st District; Clark, 47th District.

PURPOSE:

LB 358, introduced by Senator Schmit and referred to the Banking, Commerce and Insurance Committee, would provide for specific investment and deposit procedures for political subdivisions of the State of Nebraska. The intent of the legislation is to make available such capital to better serve the State's agricultural and business credit needs while allowing the maximum rate of return to all investing entities with flexibility to continue day to day operations.

The Banking, Commerce and Insurance Committee voted to hold LB 358 in committee and that an interim study be conducted to further examine the issues raised by LB 358.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 74.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Schmit, 23rd District; Landis, 46th District; Labedz, 5th District; Fitzgerald, 14th District; Haberman, 44th District; Remmers, 1st District; Clark, 47th District.

PURPOSE:

WHEREAS, the purpose of the Nebraska Investment Council is the formulation and establishment of policies to govern the methods, practices and procedures followed by the State Investment Officer for the investment or reinvestment of state funds and the purchase, sale or exchange of securities as provided by law;

WHEREAS, the state of the law directing investment procedures and authority must continually be examined to allow for safe and responsible and necessary and proper investments of state funds in an ever changing economy;

WHEREAS, the Legislature should exercise its authority of legislative oversight to study the investment laws for the State of Nebraska to insure maximization of return on investments with appropriate standards;

WHEREAS, in the 1981 session of the Legislature, two bills were introduced and referred to the Banking, Commerce and Insurance Committee that would modify the investment authority of the State Investment Officer;

WHEREAS, such legislation will be considered before the 1982 session of the Legislature;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 75.

Introduced by Beyer, 3rd District.

WHEREAS, America's lifeline is its transportation system, allowing the unfettered movement of persons and property; and

WHEREAS, the quality of transportation services available in the United States from road, rail, air, and water is unequalled elsewhere; and

WHEREAS, May 10-16 is "National Transportation Week", an annual observance marking the role transportation plays in the lives of Americans; and

WHEREAS, Governor Thone has proclaimed the week of May 10th as "Transportation Week".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Legislature encourages all Nebraskans to honor the transportation industry by observing "Transportation Week" from May 10 through May 16, 1981.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 179.

Correctly Engrossed

The following bills were correctly engrossed: 134, 160, 161, and 232.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 134

The following changes, required to be reported for publication in the Journal, have been made:

(1) Underscoring has been supplied to the new matter in all amendments;

(2) Because of the Wagner amendment, an underscored comma has been inserted after "supplies" on page 5, line 23;

(3) In the matter added by the L. Johnson amendment, an underscored comma has been inserted before "and" in line 1 and after "acknowledgment" in line 6 and "lodging" in line 9; "The" has been capitalized in line 2; the text has been divided into subdivisions (a) to (g); in line 8 ", provided" has been stricken and "; Provided," inserted; the comma in line 10 has been stricken; and in line 9 "and" has been stricken;

(4) The first new section added by the Schmit amendment found on page 1633 of the Journal has been inserted as section 6, and in line 2 thereof the comma has been stricken and the second one as section 7 and the severability clause has been inserted as section 9;

(5) In line 2 of new section 5, the slash has been stricken and a hyphen inserted;

(6) Pursuant to the DeCamp amendment, found on page 1639 of the Journal, section 49-1490 has been inserted with a new subdivision (f);

(7) Pursuant to the Dworak amendment as amended, a new section 8 has been inserted;

(8) Because of the DeCamp amendment thereto, the Nichol amendments 2 and 3 have been stricken;

(9) On page 6, renumber original section 4 as section 10; and in line 16 as amended "and 49-1446" has been stricken and ", 49-1446, and 49-1490" inserted; and

(10) In the title, line 2, "relating to political accountability and disclosure;" has been inserted after "ACT"; in line 4, "section 49-1446" has been stricken and "sections 49-1434, 49-1446, and 49-1490" inserted; the comma in line 5 through "Act" in line 6 has been stricken; in line 6 "to redefine terms;" has been inserted after the semicolon; and in line 10 "to make certain acts unlawful; to provide a requirement for campaign statements; to provide severability;" has been inserted after the semicolon.

Enrollment and Review Changes to LB 179

The following changes, required to be reported for publication in the Journal, have been made:

Sections have been renumbered to give proper effect to both the Marsh and Carstens amendments; and in the Marsh amendments, page 3, line 3, "18 and 22" has been stricken and "17 and 21" has been inserted.

(Signed) Emory P. Burnett
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 561. Mr. Warner renewed the pending Committee amendment found in the Journal on page 1640.

The amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Schmit asked unanimous consent to have his name added to the Kremer amendment found in the Journal on page 1640. No objections. So ordered.

Messrs. Kremer and Schmit renewed their pending amendment found in the Journal on page 1640.

Mr. Kremer offered the following amendment to the Kremer-Schmit amendment:

1. In #1, strike "5,000,000" (both places) and insert "4,000,000".
2. In #2, strike "6,500,000" and insert "5,500,000" and strike "7,400,000" and insert "6,400,000".

The amendment was adopted with 26 ayes, 11 nays, 5 present and not voting, and 7 excused and not voting.

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Kremer-Schmit amendment, as amended, was adopted with 26 ayes, 15 nays, 5 present and not voting, and 3 excused and not voting.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers renewed his pending amendment found in the Journal on page 1686.

Mr. Chambers moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Cullan
Fitzgerald
Fowler
Goodrich
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Schmit
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 23:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Fenger
Goll
Hefner
Johnson, L.
Kahle
Lamb
Maresh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Warner

Present and not voting, 3:

Chambers
Haberman
Wagner

Excused and not voting, 5:

Beutler
Burrows
DeCamp
Dworak
Higgins

The Chambers amendment lost with 18 ayes, 23 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Koch offered the following amendment:
Req. #2356

1. On page 3, line 17 before "There" insert "(a)"; in line 22 strike "(a)" and insert "(i)"; and in line 24 strike "(b)" and insert "(ii)" and strike "(c)" and insert "(iii)".

2. On page 4 after line 1 insert the following new subdivisions:

"(b) In addition to the amount shown, there is hereby appropriated $10,000,000 from the General Fund for state aid to education. Of the additional $10,000,000 General Funds, there is hereby appropriated to the School Foundation and Equalization Fund, which fund is hereby appropriated, an amount necessary to fully fund the provisions of (i) section 79-1134, not to exceed sixty per cent of such additional $10,000,000, and (ii) section 79-1339. The remaining funds of the additional $10,000,000 which are not appropriated to the School Foundation and Equalization Fund shall be distributed under the provisions of sections 79-4,160 to 79-4,169.

(c) In addition to the amount shown, there is hereby appropriated $10,000,000 from the General Fund for state aid to education. Of the additional $10,000,000 General Funds, there is hereby appropriated to the School Foundation and Equalization Fund, which fund is hereby appropriated, an amount necessary to fully fund the provisions of (i) section 79-1334, not to exceed sixty per cent of such additional $10,000,000, and (ii) section 79-1339. The remaining funds of the additional $10,000,000 which are not appropriated to the School Foundation and Equalization Fund shall be distributed under the provisions of sections 79-4,160 to 79-4,169.".

MR. CLARK PRESIDING

Mr. Koch moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 28:

Beutler
Chambers
Chronister
Cullan
DeCamp
Fitzgerald
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Maresh
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 18:

Barrett
Carsten
Clark
Cope
Fenger
Fowler
Goll
Johnson, L.
Kahle
Kremer
Lamb
Landis
Marsh
Marvel
Peterson, R.
Rumery
Stoney
Warner

Present and not voting, 1:

Beyer

Excused and not voting, 2:

Burrows
Dworak

The Koch amendment was adopted with 28 ayes, 18 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Wiitala offered the following amendment to LB 561:

1. On page 21, line 26, strike "required" and insert "established", after "by" insert "a majority vote of", and after "Committee" insert "after a public hearing at which all institutions required to provide data will have the opportunity to comment on the proposed formats".

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Wiitala asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. Landis moved to reconsider the Kremer-Schmit amendment to LB 561.

Mr. Landis asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. Chambers moved to reconsider his ADC amendment.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a roll call vote on his motion.

Voting in the affirmative, 29:

Beutler
Carsten
Chambers
Cullan
DeCamp
Fitzgerald
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Remmers
Rumery
Schmit
Sieck
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 16:

Barrett
Beyer
Chronister
Cope
Fenger
Goll
Hefner
Johnson, L.
Kahle
Lamb
Maresh
Peterson, R.
Pirsch
Stoney
Von Minden

Warner

Present and not voting, 2:

Clark	Haberman

Excused and not voting, 2:

Burrows	Dworak

The Chambers motion to reconsider prevailed with 29 ayes, 16 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Chambers renewed his pending amendment found in the Journal on page 1686 and considered in this day's Journal.

The Chambers amendment was adopted with 26 ayes, 18 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Stoney requested a machine vote on the advancement of LB 561.

Advanced to E & R for Engrossment with 27 ayes, 10 nays, 10 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 76.

Introduced by Hoagland, 6th District.

PURPOSE:
The purpose of this resolution is to study the circumstances under which cable television franchises have been granted in communities in Nebraska, including the City of Omaha. The study shall include an examination of whether legislation if needed to prohibit or restrict the participation of local public officials, former public officials, and other community leaders in the ownership of cable television franchises which may be granted in communities in Nebraska in the future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 12. Placed on Select File.
LEGISLATIVE BILL 501. Placed on Select File.

LEGISLATIVE BILL 472. Placed on Select File as amended.
E & R amendments to LB 472:

1. In the Hoagland amendment, line 6, strike the comma.

2. In the title, strike lines 2 to 5 and insert:
"FOR AN ACT relating to state officers; to authorize the purchase of liability insurance for certain officers; to amend section 79-329.01, Revised Statutes Supplement, 1980; and to repeal the original section.".

LEGISLATIVE BILL 451. Placed on Select File as amended.
E & R amendments to LB 451:

1. On page 7, line 20, strike "where" and insert "~~where~~ when".

2. On page 17, line 23, insert an underscored comma after "accept".

LEGISLATIVE BILL 428. Placed on Select File as amended.
E & R amendments to LB 428:

1. On page 5, lines 21 and 23, strike the comma.
2. On page 6, line 14, strike the comma.
3. On page 7, line 19, insert an underscored comma after "person".

LEGISLATIVE BILL 472A. Placed on Select File.

LEGISLATIVE BILL 99. Placed on Select File as amended.
E & R amendment to LB 99:

1. In the title, line 2, strike "section 26-112" and insert "sections 26-112, 33-123, and 33-124"; and in line 5 strike "section" and insert "sections".

LEGISLATIVE BILL 385. Placed on Select File as amended.
E & R amendments to LB 385:

1. On page 4, line 15, strike "Mortgagee" and

insert "Mortgagor".

2. On page 5, line 14, strike "mortgagee" and insert "mortgagor".

3. Insert the committee amendment after the period in line 11, page 7.

4. Insert the Wagner amendment in line 4 of the committee amendment after "84-306.01".

5. On page 7, line 15, strike "and".

6. On page 12, line 25, strike "in".

7. On page 13, strike beginning with "any" in line 1 through the first comma in line 2.

8. On page 15, line 2, strike the third comma.

9. On page 16, lines 11 and 21, insert "of this act" after "16"; and in line 26 insert a comma after "including".

10. On page 17, line 25, strike the comma and insert "and".

11. On page 18, line 20, strike ", and" and insert "and,".

LEGISLATIVE BILL 361. Placed on Select File as amended.
E & R amendments to LB 361:

1. Insert a new section to read:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, line 2, strike "section 60-311.02" and insert "sections 60-311.02 and 60-1407.03"; in line 5 strike "and" and insert "to extend an exception;"; and in line 6 strike "section" and insert "sections; and to declare an emergency".

LEGISLATIVE BILL 228. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 257 in the Journal. No objections. So ordered.

1. In the DeCamp amendment (Req. No. 2336) on page 1, line 4, strike "18" and insert "4"; and strike beginning with the semicolon in line 5 through the quotation marks in line 7.

2. In the DeCamp amendment (Req. No. 2336) on page 2, line 9, strike "Weatherization" and insert "Foundation and Equalization"; in lines 9 and 10 strike ",which is hereby created"; and strike beginning with "Any" in line 19 through the period in line 21.

3. In the DeCamp amendment (Req. No. 2336) strike sections 3 through 14.

4. In the DeCamp amendment (Req. No. 2336) strike section 15, subsection 5.

5. In the DeCamp amendment (Req. No. 2336) renumber sections 15, 16, 17 and 19 as sections 3, 4, 5 and 6 respectively.

SELECT FILE

LEGISLATIVE BILL 163. E & R amendments found in the Journal on page 1579 for the Sixty-Eighth Day were adopted.

Advanced to E & R for Engrossment with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 562. Mr. Koch renewed his pending amendment found in the Journal on page 1611.

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Chambers
Cullan
DeCamp
Fitzgerald
Fowler
Higgins
Hoagland
Koch
Labedz
Marsh
Nichol
Pirsch
Schmit
Sieck
Von Minden
Wagner
Wiitala

Voting in the negative, 25:

Barrett
Beyer
Carsten
Clark
Cope
Fenger
Goll
Goodrich
Hefner
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Lamb
Landis
Maresh
Marvel
Newell
Peterson, H.
Peterson, R.
Remmers
Rumery
Stoney
Vickers
Warner

Present and not voting, 4:

Beutler
Chronister
Haberman
Wesely

Excused and not voting, 2:

Burrows
Dworak

Absent and not voting, 1:

Kremer

The Koch amendment lost with 17 ayes, 25 nays, 4 present and not voting, 2 excused and not voting, and 1 absent and not voting.

Mr. Haberman offered the following amendment:
1. Add a new section to read as follows:
"Sec. 18. Program 925. Chadron State College is hereby authorized to plan an activity center. There is hereby appropriated $146,000 from the State Building Fund for the fiscal year ending June 30, 1982, for planning through the design development phase."
2. Renumber original Sections 18 through 30 as Sections 19 through 31.

Mr. Goll asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

The Haberman amendment was adopted with 25 ayes, 16 nays, 4 present and not voting, and 4 excused and not voting.

Messrs. Kahle, Lamb, and Schmit renewed their pending amendment found in the Journal on page 1672.

Mr. Haberman asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

The Kahle-Lamb-Schmit amendment was adopted with 25 ayes, 13 nays, 7 present and not voting, and 4 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. H. Peterson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Wesely moved to reconsider the Koch amendment to LB 562.

The motion to reconsider lost with 9 ayes, 14 nays, 21 present and not voting, and 5 excused and not voting.

Mr. Newell offered the following amendment:

To amend LB 562 to add a new section;
"Program 911. The Board of Regents of the University of Nebraska is hereby authorized to acquire property at the University of Nebraska at Omaha. There is hereby appropriated $600,000 from the State Building Fund for the fiscal year ending June 30, 1982 for such acquisition."

Mr. Newell asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Warner offered the following amendment:
On page 12 after line 21 insert:
"The Nebraska Capital Construction Fund appropriation to this program shall be increased by $1,300,000 and the State Building Fund appropriation decreased by $1,300,000 if the 1981-82 appropriation for the construction of the Regional College of Veterinary Medicine in Legislative Bill 245A, Eighty-seventh Legislature, First Session 1981, does not become law.

The amendment was adopted with 33 ayes, 1 nay, 10 present and not voting, and 5 excused and not voting.

Mr. Stoney requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 30 ayes, 6 nays, 8 present and not voting, and 5 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 77.

Introduced by Public Works Committee: Kremer, 34th District, Chairperson; Clark, 47th District; Koch, 12th District; DeCamp, 40th District; Wesely, 26th District; Lamb, 43rd District; Beutler, 28th District; Hoagland, 6th District.

PURPOSE:
The purpose and intent of this interim study resolution is to cause the examination of the conditions and factors influencing uranium mining and the siting of large industrial projects in Nebraska. Towards this end, LB 473 and LB 550 should be examined as potential legislative responses to such conditions and factors.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Messrs. H. Peterson, Nichol, Sieck, and L. Johnson asked unanimous consent to print the following amendment to LB 512 in the Journal. No objections. So ordered.

Req. #2365

1. Strike the original sections and insert the following new sections:

"Section 1. (1) A lien against residential real estate filed under section 52-102 shall operate as a lien only if notice has been properly given pursuant to this section.

(2) Any subcontractor or supplier who wishes to preserve a lien right against residential real estate shall cause a notice to be filed with the register of deeds of the county in which the real estate is located. The notice shall include (a) the name and address of the person furnishing the labor, skill, equipment, fixtures, or material, and (b) the legal description of the real estate. The notice may contain the name and address of more than one subcontractor or supplier. The notice shall be signed by anyone having knowledge of the facts in the notice.

(3) Any contractor whose subcontractor or supplier requests in writing that the contractor file such notice on behalf of the subcontractor or supplier shall do so on or before the earlier of: (a) Five days after the request has been made: (b) receipt of final payment in the contract; or (c) transfer of title to the real estate to a bona fide purchaser without knowledge of the potential lien claim. A contractor failing to properly and timely file such notice shall be liable to the requesting subcontractor or supplier for any actual damages resulting from the failure, and shall be guilty of a Class I misdemeanor.

(4) Any subcontractor or supplier may request in writing that a contractor provide the correct legal description and the correct name of the record owner of any residential real estate against which the subcontractor or supplier wishes to preserve a lien

right. Any contractor failing to provide such information accurately and within three days after request has been made shall be liable to the subcontractor or supplier for any actual damages resulting from such failure, and shall be guilty of a Class I misdemeanor.

(5) Only those notices filed before final payment has been made to the contractor on any contract for the improvement of residential real estate shall be effective against the owner of such real estate unless the owner had actual knowledge of the claim prior to final payment.

(6) Only those notices filed before transfer of title to residential real estate shall be effective against a bona fide purchaser for value unless the purchaser had actual knowledge of the claim prior to transfer of title.

(7) A notice filed as provided in this section shall not operate as a lien.

(8) The burden of proof of proper and timely delivery of notice to the owner or owners of record shall be on the lien claimant.

(9) Nothing contained in this section shall affect the existing law of priorities between mechanic lienholders or other lienholders.

(10) As used in this section, residential real estate shall mean real estate, improved or to be improved, containing not more than three acres, not more than four dwelling units, and no nonresidential uses for which the owner is a lessor. A condominium unit that is otherwise residential real estate remains so even though the common elements of the condominium development include more than three acres or the condominium development contains more than four dwelling units or units used for nonresidential purposes.

Sec. 2. That section 52-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

52-102. ~~Any~~ (1) Subject to the provisions of section 1 of this act, any person or subcontractor who shall perform any labor for, or furnish any material, machinery, or fixtures, including gas and electric apparatus and lighting fixtures, whether detachable or undetachable, for any of the purposes mentioned in section 52-101, to the contractor, or any subcontractor who shall desire to secure a lien upon any of the structures mentioned in said section, may file a sworn statement of the amount due him or her from such contractor for such labor, material, machinery, equipment rental, or fixtures, including gas and electric apparatus and lighting fixtures, whether detachable or undetachable, together with a description of the land upon which the same was done or used, within four months from the performing of such labor or furnishing such material, machinery, equipment, or fixtures, including gas and electric apparatus and lighting fixtures, whether detachable or undetachable, with the register of deeds of the county wherein said land is situated.

(2) If the contractor does not pay such person or subcontractor for the same, such subcontractor or person shall have a lien for the amount due for such labor, material, machinery, equipment rental, and fixtures, including gas and electric apparatus and lighting fixtures, whether detachable or undetachable, on such lot or lots and the improvements thereon from the same time and in the same manner as such original contractor. ~~;~~ ~~and the~~

(3) The risk of all payments made to the original contractor shall be upon the owner until the expiration of ~~the~~ four months ~~hereinbefore specified~~ from the performing of such labor or furnishing such material, machinery, equipment rental, or fixtures, including gas and electric apparatus and lighting fixtures, whether detachable or undetachable. No owner shall be liable to any action by the contractor until the expiration of said four months, and such owner may pay such subcontractor or person the amount due him or her from such contractor for such labor, material, machinery, equipment rental, and fixtures, including gas and electric apparatus and lighting fixtures, whether detachable or undetachable; and the amount so paid shall be held and deemed a payment of such amount to the original contractor. In cases when a dispute arises between the contractor and his or her journeymen, or other person, for work done or material furnished, the owner may retain the amount claimed by said subcontractor, journeymen, or laborer until the dispute has been settled by arbitration or otherwise.

(4) Such sworn statement or claim of lien shall be recorded by such register of deeds in the same manner and remain in force for the same length of time as other liens provided for in section 52-101.

Sec. 3. That section 52-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

52-103. (1) Any person entitled to a lien under section 52-101 or 52-102 shall make an account in writing of the items of labor, skill, machinery, equipment rental, fixtures, or material furnished, ~~or either of them,~~ and after making oath thereto shall, within four months of the time of performing such labor and skill, or furnishing such machinery, equipment, or material, file the same in the office of the register of deeds of the county in which such labor, skill, equipment, fixtures, and materials shall have been furnished, which account so made and filed shall be recorded in a separate book to be provided by the register of deeds for that purpose, and shall, from the commencement of such labor or the furnishing of such materials for two years after the filing of such lien, operate as a lien on the several descriptions of such structures and buildings, and the lots on which they stand, as named in section 52-101 or 52-102. ~~; Provided, that such party~~

(2) Such person or his or her attorney shall within five days after the last day for filing of such lien, send by United States mail, postage prepaid, notice of such filing to the party or parties shown on the indexes of the register of deeds to be the owner or owners of record of such real property on the date of filing of the lien and whose name and post-office address are known to him or her. Proof by affidavit of the ~~party~~ person or his or her attorney shall be filed with the register of deeds not later than ten days after mailing of such notice. In the event that the last-known address of the party appearing to be the owner of record cannot be ascertained, the affidavit shall so state.

(3) Failure to serve notice of lien, if required by this section, shall make such lien void and unenforceable. ~~; Provided, it~~ It shall not be necessary to serve the notice prescribed by this section upon any competent person, fiduciary, partnership, or corporation who has waived notice in writing or who has actual knowledge of the filing of the lien.

(4) When any labor has been done or materials furnished as provided on a written contract, the same or a copy thereof shall be filed with the account herein required.

(5) If any promissory note shall have been taken for any such labor materials, and in the case of residential real estate if the requirements of section 1 of this act have been met, it shall be sufficient to secure the lien provided for in section 52-101 or 52-102 to file in the office of the register of deeds a copy of such note within the time ~~aforesaid~~ provided in subsection (1) for filing the account, together with a sworn statement that the sum for which such note was given, or any part thereof, is due for labor and material used for the ~~purpose hereinbefore~~ purposes mentioned in section 52-101, giving in such statement the items of such labor and material. Such lien shall be for the amount so shown to be due for such labor and material, with interest at the rate specified in such note. ~~;~~

~~Provided, nothing herein~~

(6) Nothing contained in this section shall be taken to prevent the ascertainment by proceeding at law, or otherwise, of the amount actually due for such labor and material, and such lien shall be for no larger sum than the amount actually due therefor.

Sec. 4. That original sections 52-102 and 52-103, Reissue Revised Statutes of Nebraska, 1943, are repealed.''.

Messrs. Nichol, Sieck, DeCamp, Haberman, Maresh, Kremer, Hefner, V. Johnson, Wiitala, Cullan, Fenger, Goodrich, Vickers, Koch, H. Peterson, Wagner, Von Minden, Kahle, Newell, Remmers, Chambers, R. Peterson, and Mesdames Higgins, and Labedz asked unanimous consent to print the following amendment to LB 541 in the Journal. No objections. So ordered.

Req. #2338

1. Insert a new section as follows:

''Sec. 2. That section 60-432, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-432. The superintendent, also designated as colonel, shall, with the approval of the Governor, appoint such subordinate officers of the Nebraska State Patrol as lieutenant colonel, majors, captains, lieutenants, sergeants, corporals, patrolmen, and such other employees as may be necessary to carry out the provisions of this act. The salaries of all such apppointees shall be fixed by the superintendent, with the approval of the Governor. In addition to his or her salary, each sworn employee of the Nebraska State Patrol shall receive an expense allowance of one hundred dollars per month. All such appointees shall be bonded under the blanket surety bond required by section 11-201. Premiums on all of such bonds shall be paid from the fund appropriated to the Nebraska State Patrol.''.

2. On page 5, line 19, after ''60-431,'' insert ''60-432,''.

3. Renumber original sections 2 to 6 as sections 3 to 7, respectively.

EXPLANATION OF VOTE

On the advancement of LB 561, I wish to be recorded as changing from ''yes'' to ''no''.

(Signed) Richard Marvel

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

Req. #2371

1. Insert the following new section:

"Sec. 3. That section 66-428, Revised Statutes Supplement, 1980, as amended by Legislative Bill 104, Eighty-seventh Legislature, First Session, 1981, be amended to read as follows:

66-428. In addition to the tax imposed pursuant to sections 66-473, 66-477, and 66-478, there is hereby levied and imposed an excise tax of ten and one half cents per gallon upon the use of all motor vehicle fuels as defined by section 66-401, used in this state, and due the State of Nebraska under the provisions of section 66-410 or Chapter 66, article 6; Provided, that such excise tax after June 1, 1979 shall be five cents per gallon less on motor vehicle fuel containing a minimum of ten per cent blend of agricultural ethyl alcohol whose purity shall be at least ninety-nine per cent alcohol, excluding denaturant, than on motor vehicle fuel which does not contain such a blend. The Department of Agriculture shall inspect and test motor vehicle fuel containing such a blend to insure compliance with this section. Such inspections shall be conducted as provided for in Chapter 66, article 3. Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.".

2. On page 5, line 2, strike "and"; and in line 3 after "1980" insert ", and section 66-428, Revised Statutes Supplement, 1980, as amended by Legislative Bill 104, Eighty-seventh Legislature, First Session, 1981,".

3. Renumber remaining sections accordingly.

VISITORS

Visitors to the Chamber were 40 students and teacher from Karen Western, Ralston; 33 students and teacher from St. John's Elementary, Lincoln; David Thomas, Chicago, Ill.; Mr. and Mrs. Al Eaton; Robert Schemmel, Nebraska City; and relatives of former

Senator Arnold Ruhnke - 8 from Ontario, Canada, and 3 from Lincoln.

ADJOURNMENT

At 5:38 p.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Tuesday, May 5, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FOURTH DAY - MAY 5, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

SEVENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 5, 1981

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Pastor Jack Glass, First Assembly of God Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Dworak who was excused; and Messrs. Cullan, Goodrich, Koch, Newell, Mesdames Higgins, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1677, last line, insert "LB 536." after "290 and".
The Journal for the Seventy-Third Day was approved as corrected.

RESOLUTIONS

LEGISLATIVE RESOLUTION 78.

Introduced by Maresh, 32nd District; Sieck, 24th District; Schmit, 23rd District; Hefner, 19th District; R. Peterson, 21st District.

PURPOSE:
U.S. Highway 81 is a major interstate highway which connects not only the states of North and South Dakota, Nebraska, Kansas, Oklahoma and Texas but also the nations of Canada, the U.S., and Mexico. Highway 81 connects numerous county seats and traverses an area of the state with a very high proportion of irrigated crops and therefore it is probably the most important North-South highway in Nebraska. However, Highway 81 has not been adequately improved

over the years to safely transport the volume of intrastate and interstate traffic which it presently carries. The purpose of this study resolution is to authorize a committee to conduct hearings at locations along the Highway 81 corridor to examine methods to more expeditiously reconstruct the most hazardous segments of the highway. The study committee should also consider the possibility of employing an impartial consultant from outside of state government to make recommendations to the committee regarding priority ratings for Nebraska highway improvement and reconstruction projects.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Transportation Advisory Committee of the Legislature conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 79.

Introduced by Hefner, 19th District; H. Peterson, 35th District; L. Johnson, 15th District; Von Minden, 17th District; Lamb, 43rd District; Carsten, 2nd District; Schmit, 23rd District; Maresh, 32nd District; Sieck, 24th District; DeCamp, 40th District; Fitzgerald, 14th District; Haberman, 44th District; Barrett, 39th District; R. Peterson, 21st District; Wagner, 41st District; Cope, 36th District; Goodrich, 20th District; Pirsch, 10th District; Clark, 47th District; Rumery, 42nd District; Kahle, 37th District; Nichol, 48th District; Cullan, 49th District; Beyer, 3rd District; Goll, 16th District; Chronister, 18th District; Stoney, 4th District; Kremer, 34th District.

WHEREAS, the federal government unnecessarily controls state and local priorities in the areas of health, education, human services, transportation, and energy development; and

WHEREAS, one stated intent of the President's Economic Recovery Plan is "to enable states to plan and coordinate their own service programs, establish their own priorities and exercise effective control over the resources provided to localities..."; and

WHEREAS, the President's proposed Economic Recovery Plan consolidated almost one hundred categorical grants into block grants, thereby enhancing the states' ability, discretion, and expertise in implementing public aid programs and returns primary responsibility for Medicaid to the states; and

WHEREAS, the President's fiscal year 1982 budget plan specifically protects the "safety net" of public aid programs for the truly needy; and

WHEREAS, the President's Economic Recovery Plan is consistent with fundamental principles of federalism, including the recognition that states have all rights and powers not granted by the U. S. Constitution to the federal government; and

WHEREAS, the President has pledged to restore the states' right to own, lease, and develop publicly-owned land; and

WHEREAS, the Reagan Administration has pledged to continue to consult and heed state legislators on matters of budgetary and regulatory reform; and

WHEREAS, the Legislature of this State shares the President's concern for the combined effects of rising unemployment, soaring inflation, and low productivity.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature supports the Reagan Administration's efforts to restore federalism, employment, productivity, and the sovereign right of states to initiate, develop and execute their own growth and public aid policies.

2. That the Nebraska Legislature urges the U. S. Congress to adopt the President's Economic Recovery Plan.

3. That the Nebraska Legislature pledges its assistance to the President and to the Congress to insure that the President's Economic Recovery Plan is enacted.

4. That copies of this resolution be delivered to the President of the United States and members of Nebraska's Congressional delegation.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 89
May 4, 1981

Dear Senator V. Johnson:

You have asked whether section 3(2) of Senator Warner's proposed amendments to LB 506 would allow the Director of Health to fund a program that would allow Eppley Institute to become an agent for an Investigational New Drug Application for cancer treatment. We have concluded it would not.

Section 3(2) of Senator Warner's proposed amendment beginning at page 1510 of the Legislative Journal for April 16, 1981, provides: "The director shall adopt and promulgate rules and regulations pursuant to Chapter 84, article 9 to: . . . (2) Establish criteria for programs in order to receive funding."

Section 1 defines director as the Director of Health. Section 2 provides for the appropriation of certain cigarette tax funds to the Department of Health, less any amount of those funds specifically appropriated to the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases. The balance of those cigarette tax funds, less expenses of administration, is to be distributed by the director for the purpose of research of cancer and smoking diseases through grants and contracts with postsecondary institutions having colleges of medicine in the State of Nebraska.

Thus the language of section 3(2) not only seems to anticipate a direct appropriation to the Eppley Institute but also to preclude a direct grant by the Director of Health to the Eppley Institute rather than to the University of Nebraska. Also, we question whether the Director of Health would have any rule-making authority under section 3 because there are no standards or guidelines for the director to use in making the rules listed. Because of this section 3 appears to be an improper delegation of legislative authority.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 80.

Introduced by Business and Labor Committee: Maresh, 32nd District, Chairperson; Labedz, 5th District; Goll, 16th District; Fitzgerald, 14th District; Wiitala, 31st District; Vickers, 38th District; Barrett, 39th District; Hefner, 19th District.

PURPOSE:

In recent months numerous questions have arisen concerning Nebraska's unemployment compensation program. The Legislature is currently considering major changes in the unemployment compensation system. The changes proposed address the abuses of employees who quit work without good cause, who are discharged for misconduct, and who commit fraud in attempting to secure benefits and the changes also attempt to eliminate some of the inequities between employers in the contribution system which finances payment of unemployment benefits. Nationwide, several states have had to borrow several billion dollars from the federal government to finance the payment of unemployment benefits, as a long-term high unemployment rate has combined with benefits indexed to inflation and frozen taxable wage bases, to place the long-range solvency of the system in serious doubt. The purpose of this study is to examine Nebraska's Employment Security Law in light of these circumstances, giving special attention to the standard defining gross misconduct, the practical application of the disqualification for benefits when a person voluntarily leaves work, and the problem of fraud and abuse in the system. The ability of our present contribution system to maintain solvency and equity among employers should also be examined.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Business and Labor committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 64. Read. Considered.

Mr. Wesely moved for a Call of the House. The motion lost with 14 ayes, 14 nays, and 21 not voting.

Mr. Wesely requested a roll call vote.

Voting in the affirmative, 26:

Barrett
Burrows
Chronister
DeCamp
Fitzgerald
Fowler
Goodrich
Hefner
Hoagland
Johnson, V.
Kahle
Kilgarin
Landis
Maresh
Marsh
Marvel
Newell
Peterson, H.
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wesely

Wiitala

Voting in the negative, 11:

Beyer	Cope	Johnson, L.	Vickers
Carsten	Fenger	Lamb	Warner
Clark	Goll	Nichol	

Present and not voting, 7:

Beutler	Haberman	Labedz	Wagner
Chambers	Kremer	Peterson, R.	

Excused and not voting, 5:

Cullan	Dworak	Higgins	Koch	Pirsch

LR 64 was adopted with 26 ayes, 11 nays, 7 present and not voting, and 5 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 327 and 331.

MOTION - Withdraw LB 555

Mr. Newell renewed his pending motion to withdraw LB 555 found in the Journal on page 1537.

The motion prevailed with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

MOTION - Suspend Rules on LB 76 and 284A

Mr. Marvel moved to suspend the rules, Rule 6, Section 7, to permit LB 76 and 284A to be considered on Final Reading today.

The motion prevailed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 35. With Emergency.

A BILL FOR AN ACT to repeal sections 60-1701.01 to 60-1707, Reissue Revised Statutes of Nebraska, 1943, and section 60-1701, Revised Statutes Supplement, 1980, relating to motor vehicles; to eliminate requirements for motor vehicle inspections; to provide for a legislative study; to provide an operative date; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 34:

Barrett
Burrows
Chambers
Clark
DeCamp
Fenger
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marvel
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 12:

Beutler
Beyer
Carsten
Chronister
Cope
Fitzgerald
Fowler
Marsh
Peterson, R.
Rumery
Stoney
Warner

Excused and not voting, 2:

Cullan
Dworak

Absent and not voting, 1:

Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 257 to Select File

Mr. Remmers moved to return LB 257 to Select File for the specific amendment found in the Journal on page 1726.

Mr. Fowler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Remmers motion to return prevailed with 28 ayes, 11 nays, 7 present and not voting, and 3 excused and not voting.

SPEAKER MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 257. The Remmers specific amendment found in the Journal on page 1726 lost with 17 ayes, 23 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Clark requested a machine vote to advance the bill back to Final Reading.

Re-Advanced to Final Reading with 27 ayes, 5 nays, 14 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 506 in the Journal. No objections. So ordered.

1. In the Warner amendment (Req. 2331) on page 1, line 15, strike "There shall be appropriated" and insert "The Legislature shall appropriate"; in line 17 strike "equivalent to" and insert "of not more than"; and in line 19 after "appropriated" insert "from the General Fund".

RESOLUTIONS

LEGISLATIVE RESOLUTION 81.

Introduced by Government, Military and Veterans Affairs Committee: Kahle, 37th District, Chairperson; Haberman, 44th District; Chambers, 11th District; Kilgarin, 7th District; V. Johnson, 8th District; Landis, 46th District; Chronister, 18th District; Goll, 16th District.

PURPOSE:

To study various aspects of the National Guard and military life in Nebraska. The study should include an examination of salary and benefits for National Guard members, and the feasibility of an income tax waiver for members of the National Guard and military personnel claiming Nebraska as their residence but currently not stationed in the state. The study should also cover the issues raised by LB 10 in the 1981 Session concerning state law requiring political subdivisions to pay its employees while on Guard duty, and if the State should reimburse the subdivisions for this expense.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 82.

Introduced by Government, Military and Veterans Affairs Committee: Kahle, 37th District, Chairperson; Kilgarin, 7th District; V. Johnson, 8th District; Landis, 46th District; Chronister, 18th District; Goll, 16th District; Chambers, 11th District; Haberman, 44th District.

PURPOSE:

To study the adequacy of disability compensation for those state employees engaged in high risk jobs. The focus of the study should include a determination of which state employees are in high risk jobs, what the rate of disability compensation should be, and whether such compensation should be limited to a disability occurred in the line of duty.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 83.

Introduced by Government, Military and Veterans Affairs: Kahle, 37th District, Chairperson; Kilgarin, 7th District; V. Johnson, 8th District; Landis, 46th District; Chronister, 18th District; Goll, 16th District; Chambers, 11th District; Haberman, 44th District.

PURPOSE:

To study the existing ambiguities and conflicts in the statutes regarding the offices of County Engineer and County Surveyor. During the 1981 Session, the Government, Military and Veterans Affairs Committee considered two bills, LB 127 and LB 445, in which many problems and conflicts of duties between the offices were shown. The study should focus on resolving these conflicts and determine the best method for electing or appointing each office. The study should also include an examination of the need for establishing a central repository for all surveys made in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 84.

Introduced by Government, Military and Veterans Affairs Committee: Kahle, 37th District, Chairperson; Kilgarin, 7th District; V. Johnson, 8th District; Landis, 46th District; Chronister, 18th District; Goll, 16th District; Chambers, 11th District; Haberman, 44th District.

PURPOSE:

To study the use of court fees for purposes other than the operation of the courts. Non-court uses of court fees currently include funding of judge's retirement plans and the Law Enforcement Improvement Fund. The study should focus on the issue of whether such programs should be funded out of the General Fund rather than through court fees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Return LB 257 to Select File

Messrs. Koch, Newell, and Remmers moved to return LB 257 to Select File for the following specific amendment:
Req. #2369

(FINAL READING COPY)

1. On page 3, line 9, strike "1986" and insert "1983"; in line 13 strike "through 1985-86" and insert "and 1982-83"; in line 18 strike "principally alcohol production and" and insert "one hundred twenty-five thousand dollars of which shall annually be granted by the State Energy Office to the Department of Agricultural Engineering Institute of Agriculture and Natural Resources of the University of Nebraska for the Alcohol Injection Equipment Testing program and the Alcohol Still Performance Testing program. For fiscal years 1981-82 and 1982-83 the Legislature shall also appropriate"; in line 22 strike "1986" and insert "1983"; in line 23 strike "also"; in line 24 strike "Permanent School Fund" and insert "School Foundation and Equalization Fund. The amount allocated to the School Foundation and Equalization Fund under this section shall be in addition to any other amounts appropriated to such fund and shall be specifically allocated for distribution pursuant to (i) section 79-1334, in an amount not to exceed sixty per cent of such additional funds, and (ii) section 79-1339"; in line 25 strike "1986" and insert "1983"; and in line 26 strike "Permanent School" and insert "School Foundation and Equalization".

2. On page 4, lines 2, 8, 9 and 10, 12, 18 and 19, and 25 strike "Department of Education" and insert "Energy Office"; and in line 11 after the period insert "The State Energy Office shall record and compile a complete list of all grant applications.".

3. On page 5, lines 3 and 7 and 8 strike "Department of Education" and insert "Energy Office"; in line 5 before "Each" insert "(1)"; and after line 11 insert:

"(2) The Legislature's Performance Review and Audit Committee shall annually review and assess the need for continuation of the School Weatherization Fund.".

6. Strike original sections 6 to 15 and insert a new section as follows:

"Sec. 6. That section 77-3424, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3424. For the purposes of sections 77-3412 to 77-3431, anticipated receipts from local tax sources shall not include: (1) Receipts for any fund used for retiring, refunding, or servicing bonded indebtedness; (2) funds used to pay for the first year's implementation of any new program established by state law and specifically designated as a new program for the purposes of sections 77-3412 to 77-3431, but such funds shall be included in computing the combined receipts budget base for each year following the first year; (3) receipts from the increased tax levied or caused to be levied pursuant to the authority granted under section 77-3428; (4) receipts from any tax levied pursuant to section 79-506.01; ~~and~~ (5) funds used for payment of employer contributions for the provisions of the Federal Insurance Contributions Act, fuel for any purpose, and electricity which are in excess of one hundred seven per cent of the amount budgeted in the immediately preceding fiscal year for such items; and (6) funds used to correct a waste of energy or to carry out a program of energy conservation as identified by an energy audit conducted by a professional engineer or by the State Energy Office under the institutional buildings grant program.".

7. On page 12, line 10, strike "1986" and insert "1983"; in line 15, strike "77-2715" and insert "77-3424".

The motion to return to Select File prevailed with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 257. The Koch specific amendment found in this day's Journal was adopted with 30 ayes, 1 nay, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 284 to Select File

Mr. Newell moved to return LB 284 to Select File for the specific amendment found in the Journal on page 1522.

Mr. Newell asked unanimous consent to withdraw his motion. No objections. So ordered.

Mr. Koch moved to return LB 284 to Select File for the specific amendment found in the Journal on page 1652.

Mr. Koch asked unanimous consent to withdraw his motion and his pending amendment found in the Journal on page 1652. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 284. With Emergency.

A BILL FOR AN ACT relating to state aid to political subdivisions; to create funds and specify the source and distribution thereof; to state intent; to provide duties; to amend Laws 1980, LB 1002, section 5; to provide severability; to repeal the original section, and also sections 77-3601 to 77-3604, Revised Statutes Supplement, 1980, and Laws 1980, LB 882A; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner
Wiitala

Voting in the negative, 11:

Beutler
Chambers
Fenger
Fowler
Hoagland
Johnson, V.
Kilgarin
Newell
Stoney
Warner
Wesely

Present and not voting, 2:

Pirsch
Vickers

Excused and not voting, 2:

Cullan
Dworak

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 284A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 284, Eighty-seventh Legislature, First Session, 1981; to lapse an appropriation; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 36:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wiitala

Voting in the negative, 9:

Beutler
Chambers
Fowler
Hoagland
Johnson, V.
Newell
Stoney
Warner
Wesely

Present and not voting, 2:

Fenger
Pirsch

Excused and not voting, 2:

Cullan
Dworak

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 384 to Select File

Mr. Wesely moved to return LB 384 to Select File for the following specific amendment:

(FINAL READING COPY)

1. On page 5, line 17, strike "within ten years"; and strike beginning with "Nothing" in line 25 through line 27.

The motion prevailed with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 384. The Wesely specific amendment found in this day's Journal was adopted with 26 ayes, 3 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 284 and 284A.

MOTION - Return LB 76 to Select File

Mr. Chambers moved to return LB 76 to Select File for the following specific amendment:

To strike enacting clause.

Mr. Chambers asked unanimous consent to withdraw his motion. No objections. So ordered.

MR. CLARK PRESIDING

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 76.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-408 and 60-440, Reissue Revised Statutes of Nebraska, 1943, and section 28-905, Revised Statutes Supplement, 1980; to change penalties for operating a vehicle to avoid arrest; to change provisions relating to operator's licenses; to provide for republication of rules; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 42:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Marvel
Vickers
Wiitala

Excused and not voting, 3:

Cullan
Dworak
Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATION OF VOTE

Had I been present I would have voted yes on 35E.

(Signed) Rex Haberman

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

May 5, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Public Employees Retirement Board:

Reappointment:
Charles O. Morehouse, 601 South Howard, Kimball 69145, term expiring January 1, 1984;

Appointment:
Marguerite H. Edholm, #24 Bishop Square, Lincoln 68502, term expiring January 1, 1984, and succeeding Margaret Sullivan, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Charles O. Morehouse
Marguerite H. Edholm
Public Employees Retirement Board

May 5, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Safety Center Advisory Council, requiring legislative confirmation:

Reappointments

Gary Lund, President, Western Nebraska Technical College, Sidney 69162

Dr. Kenneth Kimball, Medical Arts Building, Kearney 68847;

Appontments:

Honorable Glen Fiebig, District Judge, Box 641, Alliance 69301, succeeding Bernard Sprague, term expired;

Bob Gunderson, 2826 South 107th, Omaha 68124, succeeding Michael Booth, term expired;

Gary Sims, Box 435, Holdrege 68949, succeeding Marvin Broman, term expired;

Betty Spilker, 510 South 21st, Beatrice 68310, succeeding Pat Nefzger, term expired;

Fred Zwonechek, Administrator, Highway Safety Program, Department of Motor Vehicles, 301 Centennial Mall South, Lincoln 68509, succeeding Dennis Oelschlager, term expired;

John Ward, Box 431, Albion 68620, succeeding Nancy Carr, resigned.

All of the above appointments expire August 24, 1983, with the exception of that of John Ward, whose term expires August 24, 1982.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: All appointees
Safety Center Advisory Council

RESOLUTION

LEGISLATIVE RESOLUTION 85.

Introduced by Lamb, 43rd District.

PURPOSE:
This Interim study is to authorize an analysis and evaluation of various components and aspects of legislative processes, operations, staffing and personnel practices, and legislative responsibilities and duties, as identified and selected by the Executive Board of the Legislative Council. The purpose of this study is to enable the Legislative Council to better determine whether some of the current policies, procedures, and practices need to be modified and/or eliminated in order to improve existing legislative operations. Particular emphasis shall be given to current computer operations and useage by the Legislature and its staff division, future computer needs of the Legislature, and ways in which the staff divisions of the Legislature may be better able to coordinate and integrate their utilization of computer services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislative Council conduct an interim study to carry out the purposes of this resolution.
2. That, the Executive Board, upon the conclusion of its study, make a report of the findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 209. Title read. Considered.

Standing Committee amendments, Req. #2206, found in the Journal on page 1322 for the Fifty-Eighth Day lost with 10 ayes, 16 nays, 19 present and not voting, and 4 excused and not voting.

Messrs. Haberman and Newell offered the following amendment:
(Amendment on file in the Clerk's Office - Req. #2380.)

Mr. Lamb requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr Hoagland offered the following amendment:
Strike Section 17 of LB 209.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Hoagland amendment lost with 14 ayes, 17 nays, 15 present and not voting, and 3 excused and not voting.

Laid over.

ANNOUNCEMENT

Mr. Landis announced the Urban Affairs Committee will meet in executive session at 11:00 a.m., Thursday, May 7, 1981 under the North Balcony.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 557 in the Journal. No objections. So ordered.

1. Strike every General Fund appropriation, as it exists at the time of this amendment, and insert an amount which is two and one half per cent less than such appropriation. The Bill Drafter's Office with assistance from the Fiscal Analyst's Office shall prepare the changes mandated by this amendment as part of the regular engrossing process.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 558 in the Journal. No objections. So ordered.

1. Strike every General Fund appropriation, as it exists at the time of this amendment, and insert an amount which is two and one half per cent less than such appropriation. The Bill Drafter's Office with assistance from the Fiscal Analyst's Office shall prepare the changes mandated by this amendment as part of the regular engrossing process.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 559 in the Journal. No objections. So ordered.

1. Strike every General Fund appropriation, as it exists at the time of this amendment, and insert an amount which is two and one half per cent less than such appropriation. The Bill Drafter's Office with assistance from the Fiscal Analyst's Office shall prepare the changes mandated by this amendment as part of the regular engrossing process.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 560 in the Journal. No objections. So ordered.

1. Strike every General Fund appropriation, as it exists at the time of this amendment, and insert an amount which is two and one half per cent less than such appropriation. The Bill Drafter's Office with assistance from the Fiscal Analyst's Office shall prepare the changes mandated by this amendment as part of the regular engrossing process.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 561 in the Journal. No objections. So ordered.

1. Strike every General Fund appropriation, as it exists at the time of this amendment, and insert an amount which is two and one half per cent less than such appropriation. The Bill Drafter's Office with assistance from the Fiscal Analyst's Office shall prepare the changes mandated by this amendment as part of the regular engrossing process.

2. In the Koch amendment on pages 1721 and 1722 of the Journal:

(a) On page 1, strike lines 20 through 25; and

(b) On page 2, strike lines 1 through 6.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 562 in the Journal. No objections. So ordered.

1. Strike every General Fund appropriation, as it exists at the time of this amendment, and insert an amount which is two and one half per cent less than such appropriation. The Bill Drafter's Office with assistance from the Fiscal Analyst's Office shall prepare the changes mandated by this amendment as part of the regular engrossing process.

VISITORS

Visitors to the Chamber were 26 students and teacher from Beemer; 32 students and teacher from Omaha North, Omaha; 19 students and teacher from Farwell; 55 eighth grade students and teachers from St. Margaret Mary's School of Omaha, including Mike Boyle, Jr., Senator Higgin's nephew; 65 students and teacher from Bethany, Lincoln; 22 students and teacher from Millard High School, Millard; 19 students and teacher from Unadilla; 30 students and teacher from Central City; 6 students, administrator, and adults from St. Stephen's, Lawrence; Dr. Helmut Schwaabe of the Federal Republic of Germany; Mr. and Mrs. Larry Carrier and Steven from Aurora; and Barry Sherman from Kearney.

RECESS

At 12:01 p.m., on a motion by Mr. Haberman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:38 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Dworak who was excused; and Messrs. Beutler, Sieck, Warner, Mesdames Labedz, and Pirsch who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 5, 1981, at 1:20 p.m., were the following bills: 327, 331, 284, and 284A.

(Signed) Hazel Kaltenberger, Enrolling Clerk

GENERAL FILE

LEGISLATIVE BILL 209. Considered.

Mr. Hoagland offered the following amendment:
Strike Sections 3 to 7, 9, 10, 12, and 14 to 16 of LB 209.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Hoagland amendment was adopted with 25 ayes, 12 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Haberman moved to indefinitely postpone LB 209.

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

The Haberman motion to indefinitely postpone prevailed with 27 ayes, 12 nays, 7 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Nichol asked unanimous consent to print the following amendment to LB 242 in the Journal. No objections. So ordered.

Req. #2370

1. Insert a new section as follows:

"Sec. 2. That section 47-120, Revised Statutes Supplement, 1980, be amended to read as follows:

47-120. Commencing January 1, 1983, the county board or county board of corrections serving pursuant to Chapter 23, article 28, shall provide proper quarters and adequate equipment for the preparation and serving of all meals furnished to all prisoners confined in the county jail. The county sheriff or the county board of corrections shall have full charge and control of such services and the county board shall provide for all washing, fuel, lights, and clothing for prisoners, subject to the right of the county to be paid by the state for state prisoners at the rate of three dollars and fifty cents per day, and subject to the right of the county to be paid by the city for city prisoners at actual cost to the county. Supplies of every nature entering into the furnishing of meals, washing, fuel, lights, and clothing to the prisoners confined in the county jail shall be purchased and provided, under the direction of the county sheriff or the county board of corrections. Payment for all purchases by the county sheriff shall only be made by the county board on the original invoices submitted by the sheriff of goods, supplies, and services, setting forth, (1) that the invoice correctly describes the goods as to quality and quantity, (2) that the same have been received and are in the custody of the affiant, (3) that they have been or will be devoted exclusively to the purposes authorized in this section, and (4) that the price charged is reasonable and just. Commencing January 1, 1983, the county sheriff shall no longer be reimbursed for boarding prisoners under section 33-117, but nothing in this section shall be construed to restrict the sheriff in employing necessary personnel and from otherwise carrying out his or her duties in operation of the jail.''.

2. On page 2, line 26, strike ''is'' and insert ''and section 47-120, Revised Statutes Supplement, 1980, are''.

3. Renumber original sections 2 and 3 as sections 3 and 4, respectively.

RESOLUTION

LEGISLATIVE RESOLUTION 86.

Introduced by DeCamp, 40th District.

PURPOSE:

The purpose and intent of this interim study resolution is to:

(A) Implement subsection (2) of section 2 of LB 35, Eighty-Seventh Legislature, First Session; and

(B) Examine the status and effectiveness of the various highway, vehicle, and operator safety programs of Nebraska and her sister states, and all issues related thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 95A. By Cullan, 49th District.
This bill introduced on behalf of: LB 95.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 95, Eighty-seventh Legislature, First Session, 1981.

MR. CLARK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 400. Title read. Considered.

Mr. Lamb asked unanimous consent to have LB 400 laid over. No objections. So ordered.

LEGISLATIVE BILL 529. Title read. Considered.

Standing Committee amendments, Req. #2245, printed separate from the Journal and referred to on page 1419 for the Sixty-First Day were considered.

Mr. Schmit renewed his pending amendment found in the Journal on page 1594 to the Standing Committee amendments.

The amendment was adopted with 14 ayes, 0 nays, 34 present and not voting, and 1 excused and not voting.

Messrs. Kahle, Maresh, and Sieck renewed their pending amendment found in the Journal on page 1595 to the Standing Committee amendments.

Mr. Kahle requested a division of the question on the Kahle-Maresh-Sieck amendment to the Standing Committee amendments.

The Chair sustained the division.

The first amendment is as follows:

1. On page 3, line 24 strike "an application", show as stricken; and in line 25 after "commission" insert "a financial statement compiled by a person or firm holding a permit granted by the Nebraska State Board of Public Accountancy and an application".

Mr. Chronister requested a roll call vote.

Voting in the affirmative, 17:

Burrows
Carsten
Clark
Cope
Hefner
Hoagland
Kahle
Kremer
Landis
Maresh
Nichol
Pirsch
Remmers
Rumery
Sieck
Vickers
Wesely

Voting in the negative, 12:

Beyer
Chronister
DeCamp
Fenger
Goodrich
Haberman
Johnson, L.
Marsh
Peterson, H.
Peterson, R.
Von Minden
Warner

Present and not voting, 19:

Barrett
Beutler
Chambers
Cullan
Fitzgerald
Fowler
Goll
Higgins
Johnson, V.
Kilgarin
Koch
Labedz
Lamb
Marvel
Newell
Schmit
Stoney
Wagner
Wiitala

Excused and not voting, 1:

Dworak

The first amendment was adopted with 17 ayes, 12 nays, 19 present and not voting, and 1 excused and not voting.

The second amendment is the remaining portion of the amendment.

The second amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Schmit renewed his pending amendment found in the Journal on page 1597 to the Standing Committee amendments.

The amendment was adopted with 19 ayes, 0 nays, 29 present and not voting, and 1 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 529A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

LB 406 Tuesday, May 12, 1981 7:00 p.m.

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 318 in the Journal. No objections. So ordered.

Req. #2379

1. Insert new sections as follows:

"Section 1. That section 79-1233, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1233. (1) No person shall be employed to teach in any public, private, denominational, or parochial school in this state who does not hold a valid Nebraska certificate or permit issued by the Commissioner of Education legalizing him or her to teach the grade or subjects to which elected, except that no Nebraska certificate or permit shall be required of persons teaching exclusively (a) in junior colleges organized as part of the public school system or (b) in a school operated by a religious organization whose religious beliefs are violated by the imposition of such a requirement.

(2) Public, private, denominational, or parochial schools in the state may employ persons who do not hold a valid Nebraska teaching certificate or permit issued by the Commissioner of Education to serve as aides to a teacher or teachers. Such teacher aides may not assume any teaching responsibilities. A teacher aide may be assigned duties which are nonteaching in nature, if the employing school has assured itself that the aide has been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of his or her work.

Sec. 5. That section 79-1701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1701. (1) All private, denominational, and parochial schools in the State of Nebraska, and all teachers employed or giving instruction therein, shall be subject to and governed by the provisions of the general school laws of the state so far as the same apply to grades, qualifications, and certification of teachers and promotion of pupils.

(2) All private, denominational, and parochial schools shall have adequate equipment and supplies, and shall be graded the same and shall have courses of study for each grade conducted therein, substantially the same as those given in the public schools where the children attending would attend in the absence of such private, denominational, or parochial schools.

(3) The provisions of subsections (1) and (2) of this section shall not apply to any school operated by a religious organization whose religious beliefs are violated by the imposition of those provisions, but such a school shall provide its pupils regular instruction using a structured curriculum or course of study. Any school qualifying for the exemption from the general school laws authorized by this subsection shall biannually submit its pupils to a recognized proficiency test, and no such school shall continue to operate unless it is established through such testing that the educational progress of its pupils is comparable to that of children attending public schools in the district in which the school is located. The Legislature finds that such biannual testing will insure that satisfactory educational progress of students is maintained and that such testing does not come too late in the educational process to detect any program deficiencies.”.

2. In the committee amendments strike line 13 and insert “‘6’, and strike ‘79-486 and’ and insert ‘79-1233,’; in line 2 after ‘79-1333.01,’ insert ‘and 79-1701,’;”; and in line 17 strike “1 to 3” and insert “2 to 4”.

RESOLUTIONS

LEGISLATIVE RESOLUTION 87.

Introduced by Public Works Committee: Kremer, 34th District, Chairperson; Wesely, 26th District; Hoagland, 6th District; Lamb, 43rd District; Beutler, 28th District; Koch, 12th District; Clark, 47th District; DeCamp, 40th District.

PURPOSE:

The purpose of this study is to examine facets of Nebraska's boundaries with South Dakota, Iowa, and Missouri, including:

1. Whether these boundaries are adequately defined.
2. Whether there is a need for a boundary compact with Missouri and South Dakota, and for modifications in the boundary compact with Iowa.

3. Whether the interests of Nebraska citizens whose land is affected by changes in the Missouri River are adequately protected.
4. Whether the intent of LR 344 passed by the Legislature in 1980 is being carried out.
5. Whether the Legislature has given the Nebraska Joint State Boundary Commission sufficient direction to enable the Commission to carry out its duties.
6. Whether any changes in the composition, functions, and authorites of the Commission are needed.
7. Whether the Commission should be allowed funds to cover its expenses and to provide a per diem for members.
8. Whether the Commission has adequate support staff.
9. Whether the Commission is receiving sufficient cooperation from other state officials and agencies.
10. Any other relevant concerns.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 88.

Introduced by Marsh, 29th District; Koch, 12th District.

PURPOSE:

The Comprehensive Health Education Act, sections 79-1270 to 79-1270.02, adopted by the Nebraska Legislature in 1971 requires that: (1) Instruction in comprehensive school health education will take place in all schools; (2) the Commissioner of Education shall prepare and distribute, upon request, teaching aids and materials for effective courses; and (3) schools failing to meet the provisions of the act will be guilty of a deviation from the approval and accreditation rules and regulations.

Guidelines for comprehensive school health education were developed and distributed by the Commissioner of Education in 1972, but preliminary evidence indicates that health education programs have not been implemented in most schools because they lack commitments in time and administrative support.

The purpose of this study proposal is to determine the extent comprehensive school health education has been implemented and to identify the barriers associated with implementation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Member Excused

Mr. Carsten asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 184. Title read. Considered.

Standing Committee amendments, Req. #2276, printed separate from the Journal and referred to on page 1439 for the Sixty-Second Day lost with 3 ayes, 24 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Burrows renewed his pending amendment found in the Journal on page 1609.

Mr. Burrows moved for a Call of the House. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Burrows requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Beutler
Burrows
Cope
Cullan
DeCamp
Fitzgerald
Fowler
Haberman
Hefner
Hoagland
Johnson, V.
Kahle
Kilgarin
Kremer
Lamb
Landis
Maresh
Newell
Nichol
Remmers
Rumery
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 11:

Barrett
Beyer
Chronister
Fenger
Goll
Johnson, L.
Koch
Marvel
Peterson, H.
Peterson, R.
Stoney

Present and not voting, 6:

Clark
Higgins
Marsh
Pirsch
Von Minden
Wagner

Excused and not voting, 2:

Carsten
Dworak

Absent and not voting, 3:

Chambers
Goodrich
Labedz

The amendment was adopted with 27 ayes, 11 nays, 6 present and not voting, 2 excused and not voting, and 3 absent and not voting.

The Chair declared the Call raised.

Messrs. H. Peterson and Cullan asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Haberman asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Burrows moved for a Call of the House. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. Burrows requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Burrows
Chambers
Clark
Fitzgerald
Fowler
Hefner
Higgins
Johnson, V.
Kahle
Kilgarin
Labedz
Landis
Maresh
Newell
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 20:

Barrett
Beyer
Chronister
Cope
DeCamp
Fenger
Goll
Hoagland
Johnson, L.
Koch
Kremer
Lamb
Marsh
Marvel
Nichol
Peterson, R.
Stoney
Von Minden
Wagner
Warner

Present and not voting, 1:

Beutler

Excused and not voting, 5:

Carsten
Cullan
Dworak
Haberman
Peterson, H.

Absent and not voting, 1:

Goodrich

Failed to advance to E & R for Review with 22 ayes, 20 nays, 1 present and not voting, 5 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 163, 557, 558, 559, 560, 561, and 562.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 559

The following changes, required to be reported for publication in the Journal, have been made:

(1) In line 2 of committee amendment to page 42, after line 10, "$" has been inserted immediately before "142,100"; and

(2) On page 58, lines 2, 5, 7, 23, and 26, figures have been changed to reflect the double amendments thereto.

(Signed) Emory P. Burnett
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 285 in the Journal. No objections. So ordered.

Req. #2375

1. Insert a new section as follows:

"Sec. 2. That section 39-6,177, Revised Statutes Supplement, 1980, be amended to read as follows:

39-6,177. No vehicle shall exceed a total outside width, including any load thereon, of eight feet except that such prohibition shall not apply to (1) a vehicle with a load of pulpwood in movement during daylight hours when such maximum width shall be one hundred inches and the load is bound with at least two separate iron chains or cables comprised of material not less than one half inch in thickness or diameter attached to the front and rear of the loading platform and frame of the vehicle so as to hold the load securely in place, (2) farm equipment in temporary movement during daylight hours, or during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with, in the normal course of farm operations, (3) combines or vehicles used in transporting combines, to be engaged in harvesting within or without the state, moving into or through the state during daylight hours when the overall width does not exceed fifteen feet, (4) farm equipment dealers hauling, driving, delivering, or picking up farm equipment or implements of husbandry during daylight hours, (5) alfalfa harvesting machinery in temporary movement during daylight hours and hours of darkness when (a) the clearance light requirements of section 39-6,127 are fully complied with, (b) there is, on the front vehicle and above the line of the regular lights of such vehicle, a flashing, amber-colored light at least four inches in diameter and clearly visible to traffic approaching from any direction, and (c) there is a well-lighted pilot vehicle or ~~flagman~~ flagperson at least three hundred feet in advance of such vehicles to give warning of the approach of over-width equipment, and such prohibition shall not apply to equipment of thirteen feet or less in width to be used in highway or other public construction or in agricultural land treatment in temporary movement during daylight hours on roads other than dustless-surfaced state highways and for necessary access to points on such highways, (6) livestock forage vehicles loaded or unloaded that comply with subsection (2) of section 39-6,100; Provided, that no vehicle which shall exceed a total outside width, including any load thereon, of eight feet shall be permitted upon any portion of the National System of Interstate and Defense Highways, except intercity buses upon designated segments as hereinafter provided in this section, (7) vehicles hauling baled livestock forage which, including the load thereon, may be twelve feet in width, (8) a rubber tired crane with a fixed load when (a) such vehicle will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city, (b) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads, (c) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (d) such vehicle's gross weight does not exceed eighty-five thousand pounds, if a four-axle crane, or sixty-seven thousand pounds, if a three-axle crane, or sixty-seven thousand pounds, if a maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-two thousand five hundred pounds, (9) intercity buses which may be one hundred two inches in width plus additional width for safety devices when operated on certain highways designated by the Director-State Engineer for such operation, or (10) mobile homes or prefabricated livestock buildings not exceeding sixteen feet in width moving during daylight hours. The Director-State Engineer, with respect to highways under his or her jurisdiction, may designate certain highways for the operation of such intercity buses upon the following conditions:

(a) Highways designated by the Director-State Engineer shall be limited to the National System of Interstate and Defense Highways and four-lane and six-lane highways, except that other highways that are not part of the National System of Interstate and Defense Highways may be so designated for the sole purpose of directly connecting disconnected segments of the National System of Interstate and Defense Highways and four-lane and six-lane highways; Provided, that on two-lane highways so designated for connection each traffic lane shall not be less than ten feet in width; and

(b) No highways shall be so designated by the Director-State Engineer under the provisions of subdivision (10) (a) of this section prior to the time when intercity buses of such width are permitted on the National System of Interstate and Defense Highways.".

2. Strike Standing Committee amendment 2.

3. On page 4, line 14, strike "section 39-1309" and insert "sections 39-1309 and 39-1315.01"; and in line 15 strike "is" and insert "and section 39-6,177, Revised Statutes Supplement, 1980, are".

4. Renumber remaining sections accordingly.

Mr. Carsten asked unanimous consent to print the following amendment to LB 172 in the Journal. No objections. So ordered.

1. On page 3, line 24, after "relates" insert "unless an election to continue to file on a monthly basis has been made" and after the period insert "Such election shall be in writing filed with the Department of Revenue in such form as the Tax Commissioner shall prescribe. Following the filing of such election, the person shall continue to file the report on or before the last day of the next succeeding calendar month following the monthly period to which it relates.".

2. On page 4, lines 11 and 12 and line 13, strike "calendar quarter" and insert "reporting period".

MOTION - Print in Journal

Messrs. Von Minden, Schmit, Kremer, and Chronister moved to place LB 375 on general file pursuant to Rule 3, Section 18(b).

Laid over.

Messrs. Schmit, Von Minden, and Chronister moved to place LB 527 on general file pursuant to Rule 3, Section 18(b).

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 242. Placed on Select File.

LEGISLATIVE BILL 494. Placed on Select File as amended.
E & R amendments to LB 494:

1. In the title, line 2, strike "repeal" and insert "amend"; in line 4 strike "eliminate" and insert "change"; and in line 6 insert "and to repeal the original

section'' after ''elevators''.

LEGISLATIVE BILL 369. Placed on Select File.

LEGISLATIVE BILL 310. Placed on Select File as amended.
E & R amendments to LB 310:

1. In the title, line 4, strike ''companies and firefighters'' and insert ''protection districts''.

2. In the committee amendments, page 1, line 2, strike ''address'' and insert ''addresses''.

LEGISLATIVE BILL 497. Placed on Select File as amended.
E & R amendment to LB 497:

1. In the title, strike beginning with the second ''to'' in line 2 through ''and'' in line 9; in line 11 insert ''51-409,'' after the first comma; in line 12 insert ''72-731, 78-101 to 78-109, 81-101.01, 81-102.01,'' after ''71-504,'', strike ''and'', and at the end of the line insert ''81-701.05, 81-812.01 to 81-812.03, and 82-116,''; and in line 14 strike ''section 53-160.07'' and insert ''sections 53-160.07 and 81-812.04''.

LEGISLATIVE BILL 250. Placed on Select File.

LEGISLATIVE BILL 302. Placed on Select File as amended.
E & R amendments to LB 302:

1. In committee amendments, page 4, line 2, strike the comma; and in line 6 insert a comma after ''consider''.

2. In the title, strike lines 2 to 8 and insert:

''FOR AN ACT relating to public power; to require a state twenty-year power supply plan, annually updated; to require a state research and conservation report, annually updated; and to provide duties for the Nebraska Power Review Board.''.

LEGISLATIVE BILL 70. Placed on Select File as amended.
E & R amendments to LB 70:

1. In the committee amendments, page 1, line 1, strike ''page 1'' and insert ''page 2''; and in line 2 strike ''page 2'' and insert ''page 3''.

2. In the title, line 2, strike ''sections 32-226 and 32-438'' and insert ''section 32-226''; strike beginning with the first ''to'' in line 4 through the semicolon in line 7 and insert ''to delete the provision for the termination of waiver provision; to authorize an advisory committee;'' and in line 8 strike ''sections'' and insert ''section''.

LEGISLATIVE BILL 285. Placed on Select File as amended.
E & R amendment to LB 285:

1. In the title, line 2, strike "section 39-1309" and insert "sectons 39-1309 and 39-1315.01"; and in line 8, strike "section" and insert "sections".

LEGISLATIVE BILL 324. Placed on Select File as amended.
E & R amendment to LB 324:

1. In the title, strike lines 2 to 6 and insert: "FOR AN ACT relating to cities of the primary class; to provide for a pension service credit to firefighters returning to employment, as prescribed.".

(Signed) Karen Kilgarin, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 318 in the Journal. No objections. So ordered.

1. Strike original section 5.
2. Strike standing committee amendment 2.
3. In the standing committee amendment, on page 1, line 13, strike "4" and insert "3"; and strike lines 14 and 15 and insert "and in line 3 strike 'sections 79-4,102,' and insert 'section' and strike 'and 79-1334,'.".
4. Renumber remaining sections accordingly.

Mr. Cullan asked unanimous consent to print the following amendment to LB 451 in the Journal. No objections. So ordered.

1. On page 16, section 9, line 15, strike "joint"; strike line 16 and through "the" in line 17; in line 22 strike "the" through "and" in line 23.
2. In the Cullan amendment on page 1683 of the Journal, strike "line 24" and insert "following line 23".

Messrs. Vickers and Sieck asked unanimous consent to print the following amendment to LB 252 in the Journal. No objections. So ordered.

1. Strike original section 4 and amendments.
2. Strike original section 5 and amendments and insert:

"Sec. 5. If an application made pursuant to section 46-233 requests five thousand or more acre-feet of water, the considerations of the Department of Water Resources in determining whether denial of such application is demanded by the public interest shall include, but not be limited to, the following factors:

(1) The economic, environmental, and other benefits of the proposed use;

(2) The economic, environmental, and other benefits of leaving the water in the stream for current or future beneficial uses;

(3) Any adverse impacts if the application is denied;

(4) Any adverse impacts of the proposed use;

(5) Alternative sources of water available for future beneficial uses;

(6) Alternative sources of water available to the applicant;

(7) Any current beneficial uses of water which would be supplemented by the proposed use;

(8) Any current beneficial uses being made of the unappropriated water;

(9) The proposed beneficial uses of the unappropriated water;

(10) Any reasonably foreseeable future beneficial uses of the water;

2. (11) Whether the water is proposed to be used to supplement or enhance an existing beneficial use of water by the applicant; and

(12) Whether the water is proposed to be used to initiate a beneficial use of water not currently being made of water by the applicant.

The application shall be denied if the benefits to the state from granting the application do not outweigh the benefits to the state from denying the application. The director's order granting or denying an application shall specify the reasons for such action, including a discussion of the required factors for consideration, and shall document such decision by reference to the hearing record, if any, and to any other sources used by the director in making the decision."

3. In lieu of all other section renumbering, renumber original sections 2 & 3 as 3 & 4.

RESOLUTION

LEGISLATIVE RESOLUTION 89.

Introduced by Fowler, 27th District; Landis, 46th District; Schmit, 23rd District; Chambers, 11th District; V. Johnson, 8th District; DeCamp, 40th District.

PURPOSE:

For the past two years (LR 154, 1979; and LR 276, 1980) the Legislature has utilized the efforts of a special committee to monitor and evaluate the effectiveness of law enforcement agencies in Nebraska. Continuation of this effort by the current members of that committee is suggested, focusing on the issues of investigative procedures of local law enforcement agencies, private agency investigative techniques and procedures and the responsiveness of public law enforcement agencies and private investigative agencies to complaints regarding these procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 3 in the Journal. No objections. So ordered.

Manufacturing and processing equipment purchased on or after September 1, 1981, for use directly in manufacturing or processing operations, initially installed in a manufacturing facility of new construction begun on or after July 1, 1981. For purposes of this subdivision, the term new construction shall include: (1) expansion or renovation of an existing facility, (2) installation to increase productivity and (3) installation to achieve product diversification.

VISITORS

Visitors to the Chamber were 14 students and teacher from Table Rock; 53 fourth, fifth, and sixth grade students and teachers from Hooper; 14 members of the Association for Continuing and Professional Education; 12 students and teacher from Funk; and Mr. Jack Flitcher and his son, Monte from Upland, California.

ADJOURNMENT

At 4:36 p.m., on a motion by Mr. Fitzgerald, the Legislature adjourned until 9:00 a.m., Wednesday, May 6, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIFTH DAY - MAY 6, 1981

LEGISLATIVE JOURNAL

SEVENTY-FIFTH DAY - MAY 6, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 6, 1981

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Charles L. Wildman, Vine Congregational Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Miss Kilgarin, Mesdames Labedz, Pirsch, Messrs. Clark, Fitzgerald, Haberman, Hoagland, and Landis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Fourth Day was approved.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 364. Placed on General File as amended.
Standing Committee amendments to LB 364:

1. On page 2, line 1, before "The" insert "(1)"; in line 6 strike "have" and insert "has"; in line 9 after "neglect" insert a comma; in line 18 before "Highways" insert "(2)"; and in line 26 strike "freeways" and insert "any proposed freeway designated by the Federal Highway Administration as part of the National System of Interstate and Defense Highways, then redesignated as a freeway or expressway".

2. On page 3, line 1, before "The" insert "(3)"; in line 4 strike "freeways" and insert "any proposed freeway designated by the Federal Highway Administration as part of the National System of Interstate and

Defense Highways, then redesignated by the Federal Highway Administration as a freeway or expressway''.

(Signed) Maurice Kremer, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 90.

Introduced by Nichol, 48th District.

PURPOSE:

To study the feasibility of creating a state agency which will be responsible for collecting and analyzing data regarding energy costs which are pertinent to the establishment of natural gas rates.

Municipal governments when presented with a rate increase proposal from a natural gas supplier often lack the necessary expertise and funds to adequately study the merits of the proposed rate increase. The study will assess the need for a state agency which municipal governments may contact for information and data which will enable municipal governments to make a more informed decision regarding a proposal to increase natural gas rates.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: LB 35, LB 76, and LR 64.

RESOLUTION

LEGISLATIVE RESOLUTION 75. Read. Considered.

LR 75 was adopted with 31 ayes, 0 nays, and 18 not voting.

MOTION - Place LB 375 on General File

Messrs. Schmit, Von Minden, Kremer, and Chronister renewed their pending motion to place LB 375 on General File found in the Journal on page 1771.

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The motion to place LB 375 on General File prevailed with 30 ayes, 13 nays, 4 present and not voting, and 2 excused and not voting.

MOTION - Place LB 527 on General File

Messrs. Schmit, Von Minden, and Chronister renewed their pending motion to place LB 527 on General File found in the Journal on page 1771.

Mr. Schmit asked unanimous consent to withdraw his pending motion. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 91.

Introduced by Fowler, 27th District.

PURPOSE:

To undertake a study of handicapped accessibility in connection with LB 429, Eighty-Seventh Legislature, First Session. The study shall examine:

(1) problems with regard to the statutory standards for public building accessibility enumerated in sections 72-1103 to 72-1118, R.R.S. of Nebraska, 1943;

(2) the authority for enforcement of the standards cited in (1) above; and

(3) alternatives with regard to the makeup and authority of the Public Buildings Safety Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Miscellaneous Subjects Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 92.

Introduced by Administrative Rules and Regulations Review Committee: V. Johnson, 8th District, Chairperson; Fowler, 27th District; DeCamp, 40th District; Koch, 12th District.

PURPOSE:

To undertake a study of the due process procedures provided for in administrative state proceedings, including, but not limited to, those procedures involving adjudication, rulemaking, assessment of fines, professional licensing, denial of social service benefits and the disciplinary measures used by such agencies. The study shall examine:

(1) the procedures outlined in the rules and regulations pertaining to such administrative proceedings;

(2) the objectivity of the administrative decision making bodies;

(3) judicial review of such administrative agency actions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Administrative Rules and Regulations Review Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Rule Change

Mr. Newell offered the following rule change:

In Rule 5, strike all of the contents of Section 6 and renumber the remaining sections accordingly.

Referred to the Rules Committee.

SPEAKER MARVEL PRESIDING

MOTION - Return LB 557 to Select File

Mr. DeCamp moved to return LB 557 to Select File for his specific amendment found in the Journal on page 1756.

Mr. Stoney asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Dworak requested a record vote on the motion to return to Select File.

Voting in the affirmative, 12:

Clark
DeCamp
Haberman
Hefner
Higgins
Lamb
Maresh
Peterson, H.
Pirsch
Remmers
Schmit
Von Minden

Voting in the negative, 24:

Beyer
Carsten
Chronister
Cope
Dworak
Fitzgerald
Fowler
Goll
Goodrich
Hoagland
Johnson, L.
Kilgarin
Koch
Kremer
Landis
Marsh
Marvel
Newell
Peterson, R.
Rumery
Sieck
Warner
Wesely
Wiitala

Present and not voting, 12:

Barrett
Beutler
Burrows
Chambers
Cullan
Fenger
Johnson, V.
Kahle
Labedz
Nichol
Vickers
Wagner

Excused and not voting, 1:

Stoney

The DeCamp motion to return LB 557 to Select File lost with 12 ayes, 24 nays, 12 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Withdraw Amendment to LB 558

Mr. DeCamp asked unanimous consent to withdraw his pending amendment to LB 558 found in the Journal on page 1756. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Amendments to LB 559

Mr. DeCamp asked unanimous consent to withdraw his pending amendment to LB 559 found in the Journal on page 1756. No objections. So ordered.

Mr. Von Minden asked unanimous consent to withdraw his pending amendment to LB 559 found in the Journal on page 1707. No objections. So ordered.

MR. CLARK PRESIDING

MOTION - Return LB 559 to Select File

Mr. Vickers moved to return LB 559 to Select File for the following specific amendment:

1. On page 5, line 21, strike "39,349" and insert "46,849"; and in line 23 strike "178,861" and insert "186,361".

2. On page 9, line 13, strike "7,785,601" and insert "7,793,101"; and in line 17 strike "16,937,708" and insert "16,945,208".

Messrs. Fenger and Marvel asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vickers moved for a Call of the House. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Vickers requested a roll call vote on his motion.

Voting in the affirmative, 23:

Beutler
Burrows
Chambers
Cullan
Fitzgerald
Goodrich
Haberman
Higgins
Hoagland
Johnson, V.
Koch
Labedz
Landis
Maresh
Marsh
Newell
Nichol
Remmers
Sieck
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 20:

Barrett
Carsten
Chronister
Clark
Cope
Dworak
Fowler
Goll
Hefner
Johnson, L.
Kahle
Kilgarin
Kremer
Lamb
Peterson, H.
Pirsch
Rumery
Stoney
Von Minden
Warner

Present and not voting, 3:

Beyer	DeCamp	Peterson, R.

Excused and not voting, 2:

Fenger	Marvel

Absent and not voting, 1:

Schmit

The Vickers motion to return to Select File lost with 23 ayes, 20 nays, 3 present and not voting, 2 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Withdraw Amendments

Mr. DeCamp asked unanimous consent to withdraw his pending amendment to LB 560 found in the Journal on page 1757. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment to LB 561 found in the Journal on page 1757. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment to LB 562 found in the Journal on page 1757. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached Reference Report No. 8 and Reference Report No. 9, Governor's Appointments.

(Signed) Howard Lamb, Chairperson

Governor's Appointments - Reference

Public Health and Welfare
Advisory Committee to
Departments of Public Welfare,
Institutions, and Corrections
Ray Young
Nebraska Retirement Systems
Public Employees Retirement Board
Charles O. Morehouse
Marguerite H. Edholm
Education
Safety Center Advisory Council
Gary Lund
Dr. Kenneth Kimball
Honorable Glen Fiebig
Bob Gunderson
Gary Sims
Betty Spilker
Fred Zwonechek
John Ward

RESOLUTIONS

LEGISLATIVE RESOLUTION 93.

Introduced by Landis, 46th District; Labedz, 5th District.

PURPOSE:

The purpose of this study is to review all state and local agencies involved in the funding and continuance of public transportation in urban and rural areas. Public transportation is recognized as a viable and needed component in meeting urban and rural transportation needs. Many persons, including the elderly and handicapped, are dependent upon public transportation as their only means of mobility. The rising cost of private transportation is causing many citizens, as well as community organizations and businesses, to utilize public transportation.

This study shall include the following:

1. An analysis of current and future amounts of federal funds available for Nebraska public transportation;
2. An analysis of current and future state public transportation assistance, its sources and its distribution;
3. An analysis of current and future funding alternatives available to local jurisdictions; and
4. An analysis of the impact of funding level changes on public transportation service.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 94.

Introduced by Revenue Committee: Carsten, 2nd District, Chairperson; Newell, 13th District; Hefner, 19th District; V. Johnson, 8th District; Wagner, 41st District; Kahle, 37th District; Burrows, 30th District; H. Peterson, 35th District.

PURPOSE:

To undertake a study of the Nebraska aircraft fuel tax with a view towards simplifying procedures and eliminating unnecessary paperwork pertaining to collections and refunds of the tax. The study shall be held in connection with LB 169, Eighty-Seventh Legislature, First Session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 3. Messrs. Goodrich and DeCamp asked unanimous consent to withdraw their pending amendment found in the Journal on page 1713. No objections. So ordered.

Mr. Carsten asked unanimous consent to withdraw his pending amendment found in the Journal on page 1575. No objections. So ordered.

Mr. Clark asked unanimous consent to withdraw his pending amendment found in the Journal on page 1592. No objections. So ordered.

Mr. Goodrich asked unanimous consent to withdraw his pending amendment found in the Journal on page 1775. No objections. So ordered.

Messrs. Goodrich and DeCamp offered the following amendment:
Replace Committee Amendment with following:
Manufacturing and processing equipment purchased on or after September 1, 1981, for use directly in manufacturing or processing operations, initially installed in a manufacturing facility of new construction begun on or after July 1, 1981. For purposes of this subdivision, the term new construction shall include: (1) renovation of an existing facility, (2) installation to increase productivity or (3) installation to achieve product diversification.

Amendment pending.

VISITORS

Visitors to the Chamber were 20 third and fourth grade students, teacher, and sponsors from Davenport; 30 eighth grade students and teachers from District 38, Grand Island; 21 third grade students, teacher and sponsors from Belmont School, Lincoln; 49 students, teachers, and sponsors from Superior Elementary, Superior; 42 students, teachers, and sponsors from Christ the King, Omaha; former Senator and Mrs. Murphy; 30 seventh and eighth grade students and teacher from District 9, Columbus; 26 fourth grade students, teacher, and sponsors from West Park Elementary, Columbus; Bob and Andy Elks from Papillion; and 5 students from Papillion High School, Papillion.

RECESS

At 11:59 a.m., on a motion by Mr. Landis, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman, Landis, Newell, and Schmit who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 6, 1981, at 11:45 a.m., were the following bills: 35 and 76.

(Signed) Jan Loder, Enrolling Clerk

RESOLUTIONS

LEGISLATIVE RESOLUTION 95.

Introduced by Telecommunications Committee: Clark, 47th District, Chairperson; Wagner, 41st District; Goodrich, 20th District; Pirsch, 10th District; Wesely, 26th District; Burrows, 30th District; Chronister, 18th District; Sieck, 24th District.

PURPOSE:
To study the State Telecommunications System. The study should include a comparison of Nebraska's system with other states especially the State of Washington which has been a figure of leadership in State Telecommunications.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 96.

Introduced by DeCamp, 40th District; Wesely, 26th District; Fowler, 27th District.

PURPOSE:
The economy and commerce of the State of Nebraska is dependent upon the availability, reliability, affordability, and quality of the resources which support it: the human resources found in our State's hard working labor force; the water resources which are essential to our industrial processes, livestock industry, irrigated agriculture, and domestic needs; the land resources which provide for Nebraska's bountiful agricultural products export commerce; the energy resources which fuel our industry, commerce, and most nearly every aspect of our daily lives.

The People of the State of Nebraska are in the midst of an era of ever increasing energy costs, decreasing availability of conventional energy resources, and a growing reliance on sources of energy that are unreliable. This situation has, is, and will cause economic disruptions in Nebraska's economy which will result in social and environmental problems.

A crisis exists in Nebraska. It is an economic crisis. A crisis being caused and fueled by double digit increases in the cost of essential energy resources. This crisis, if unaddressed by Nebraska, will harm our ability to effectively compete with other market areas. Minnesota, California, Montana, Kansas, Iowa, Wyoming, etc., are addressing their energy crisis more effectively than is Nebraska. These states and the industries within them will, in time, have significantly stronger economics than Nebraska due to their ever improving energy situation.

The People, the Legislature, and the Governor of the State of Nebraska must develop a better understanding of the energy situation as it concerns Nebraska and Nebraskans. The public and private sectors in Nebraska must join together to develop a comprehensive strategy to deal effectively with the high cost of energy. The Legislature should continue to assume a major leadership role in developing this comprehensive strategy to become more energy efficient and independent from costly and foreign sources of energy.

Significant work has already been completed by the Legislature during the past three years. The Legislature has sponsored major energy studies during the 1979 and 1980 interims. Members of the Banking, Commerce, and Insurance Committee have played a major role in these studies and the development of legislation. This Committee conducted the 1980 LR 305 study on energy and introduced this year LB 257, the 1981 Nebraska Energy Act. Although these studies and legislative proposals have produced significant advances in resolving Nebraska's energy crisis, these measures are far from adequate to effectively deal with this massive problem.

Continuation of this effort by the current members of this Committee is suggested. The primary goal of this study is to broaden the involvement of all interested Nebraskans, particularly the members of the Nebraska Legislature in the development of solutions to our energy problems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 97.

Introduced by Clark, 47th District.

PURPOSE:
The purpose of this resolution is to study all aspects concerning the taxation of motor vehicle fuels when used for food processing, especially Hexane, a highly combustible motor vehicle fuel.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 98.

Introduced by Maresh, 32nd District.

PURPOSE:
The purpose of this resolution is to investigate possible shortages of nurses and other health care personnel in Nebraska's rural and urban areas. The study also will attempt to identify specific areas where shortages of nurses and related health care personnel may exist. If the findings indicate shortages, methods may be proposed by the committee to attract personnel for positions in those specific areas. The study should review all feasible means of aiding the recruitment of nurses and other health care personnel to the shortage areas including, but not limited to, the following (a) programs to advise students of career opportunities in nursing and related health care fields; (b) further expansion of the nursing role in areas of the state where there is a shortage of doctors; and, (c) the availability and adequacy of existing financial aid programs for nursing and related health care education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Public Health and Welfare Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 99.

Introduced by Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Rumery, 42nd District; Schmit, 23rd District; Goodrich, 20th District; Cullan, 49th District; Warner, 25th District.

PURPOSE:

To undertake a study of mandatory retirement ages for public employees of the State of Nebraska and its political subdivisions. The Study shall focus on the social and fiscal impact of removing or modifying the age of mandatory retirement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Committee shall upon the conclusion of its study make a report of its findings together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 100.

Introduced by Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Rumery, 42nd District; Schmit, 23rd District; Goodrich, 20th District; Cullan, 49th District; Warner, 25th District.

PURPOSE:

To undertake a study of various aspects of retirement plans for public employees in the State of Nebraska. The study shall include the administration, funding, and return on investment of pension plans of the state and its political subdivisions, the consistency of such plans with the General Principles of Sound Retirement Planning and private industry, and the adequacy of current benefits paid to those already retired in light of inflation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 472 in the Journal. No objections. So ordered.

In the Hoagland amendment on pg 1673, line 9, strike "court" and replace it with "state".

SELECT FILE

LEGISLATIVE BILL 3. Mr. Fowler offered the following amendment to the pending Goodrich-DeCamp amendment found in this day's Journal:

Amend the Goodrich amendment in line 1 strike "and processing" and in line 2 "or processing operations".

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Fowler amendment to the Goodrich-DeCamp amendment lost with 13 ayes, 18 nays, 17 present and not voting, and 1 excused and not voting.

Amendment pending.

UNANIMOUS CONSENT - Member Excused

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 366. E & R amendment found in the Journal on page 1489 for the Sixty-Fourth Day was adopted.

Mr. Wesely renewed his pending amendment found in the Journal on page 1495.

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 146. E & R amendments found in the Journal on page 1507 for the Sixty-Fifth Day were adopted.

Mr. Kremer renewed his pending amendment, Req. #2349, found in the Journal on page 1630.

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Kremer amendment was adopted with 26 ayes, 1 nay, 21 present and not voting, and 1 excused and not voting.

Mr. Kremer renewed his pending amendment found in the Journal on page 1710.

The amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Vickers offered the following amendment:

1. On page 5, line 7, strike "either", show as stricken, and insert "any"; in line 10 strike "or" and show as stricken; in line 14 strike "or"; and after line 14 insert:

"(iii) Interference with present or reasonably foreseeable uses of surface water in the district; or

(iv) Reduction or loss of subirrigation within the district; or".

Mr. Haberman requested a division of the question on the Vickers amendment.

The Chair sustained the division.

The first amendment is as follows:

(1)

1. On page 5, line 7, strike "either", show as stricken, and insert "any"; in line 10 strike "or" and show as stricken; in line 14 strike "or"; and after line 14 insert:

"(iii) Interference with present or reasonably foreseeable uses of surface water in the district; or

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Vickers amendment (1) lost with 13 ayes, 15 nays, 20 present and not voting, and 1 excused and not voting.

The second amendment is as follows:

(2)

(iv) Reduction or loss of subirrigation within the district; or".

Mr. Cullan asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

SPEAKER MARVEL PRESIDING

Mr. Vickers moved for a Call of the House. The motion prevailed with 15 ayes, 8 nays, and 26 not voting.

Mr. Vickers requested a roll call vote.

Voting in the affirmative, 19:

Beutler
Burrows
Carsten
Chambers
Dworak
Fitzgerald
Fowler
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Newell
Rumery
Sieck
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 13:

Chronister
DeCamp
Hefner
Higgins
Johnson, L.
Kahle
Labedz
Lamb
Maresh
Peterson, H.
Schmit
Von Minden
Wagner

Present and not voting, 14:

Barrett
Beyer
Clark
Cope
Fenger
Goll
Goodrich
Haberman
Kremer
Marsh
Marvel
Nichol
Peterson, R.
Remmers

Excused and not voting, 2:

Cullan
Pirsch

Absent and not voting, 1:

Warner

The Vickers amendment (2) lost with 19 ayes, 13 nays, 14 present and not voting, 2 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. Beutler offered the following amendment to LB 146:

1. On page 6, line 5, after "(3)" insert "(a)"; in line 9 after "area" insert "or, if a control area has been established in the requesting district, to require that a contiguous portion of another district should be designated as a control area"; after line 14 insert the following new subdivision: "(b) If a district requests a hearing to designate a contiguous portion of another district as a control area the request shall be accompanied by information to show that there is reason to believe that the uncontrolled development and utilization of the ground water supply in such contiguous portion of the other district has caused or contributed to, or is likely within the reasonably foreseeable future to cause or contribute to, the existence in the requesting district of one or more of the conditions for which a control area was established in the requesting district."; in line 17 after "district" insert "or districts"; in line 18 strike "the" and insert "~~the~~ any"; in line 24 strike "the" and insert "~~the~~ a"; and in line 27 after "the" insert "requesting".

2. On page 8, line 6 after "and" insert "shall"; and in line 23 after the period insert "This subdivision shall not apply to a control area designation of contiguous area identified in a request submitted by a district in which a control area has been established.".

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Haberman asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Beutler requested a record vote.

Voting in the affirmative, 17:

Beutler
Dworak
Fitzgerald
Fowler
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Maresh
Marvel
Newell
Pirsch
Sieck
Stoney
Wesely
Wiitala

Voting in the negative, 21:

Beyer
Carsten
Clark
Cope
DeCamp
Goll
Goodrich
Hefner
Higgins
Johnson, L.
Kahle
Labedz
Lamb
Marsh
Nichol
Peterson, H.
Remmers
Rumery
Schmit
Von Minden
Wagner

Present and not voting, 9:

Barrett
Burrows
Chambers
Chronister
Fenger
Kremer
Peterson, R.
Vickers
Warner

Excused and not voting, 2:

Cullan
Haberman

The Beutler amendment lost with 17 ayes, 21 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Hoagland offered the following amendment to LB 146:

1. On page 2, after line 19, insert: "The Ground Water Management and Protection Act shall be liberally construed to effectuate the intent

of this section to provide for the designation of control areas to prevent ground water shortages, declines, pollution, and other problems as well as to manage existing or impending conditions.”.

2. On page 6, line 4, after the period insert “The information and evidence presented by the requesting district shall be deemed to demonstrate the existence of the control area conditions identified in the hearing request. The director shall establish a control area unless clear and convincing evidence to the contrary is presented at the hearing.”.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 18 ayes, 4 nays, and 27 not voting.

Mr. Hoagland requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Beutler
Chambers
Dworak
Fitzgerald
Fowler
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Newell
Rumery
Sieck
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 25:

Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Fenger
Goll
Goodrich
Hefner
Higgins
Kahle
Kremer
Labedz
Lamb
Maresh
Marvel
Nichol
Peterson, H.
Pirsch
Remmers
Schmit
Von Minden
Wagner

Present and not voting, 2:

Marsh
Peterson, R.

Excused and not voting, 2:

Cullan
Haberman

Absent and not voting, 3:

Barrett
Johnson, L.
Warner

The Hoagland amendment lost with 17 ayes, 25 nays, 2 present and not voting, 2 excused and not voting, and 3 absent and not voting.

The Chair declared the Call raised.

Advanced to E & R for Engrossment with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 227. Indefinitely postponed.
LEGISLATIVE BILL 286. Indefinitely postponed.
LEGISLATIVE BILL 289. Indefinitely postponed.
LEGISLATIVE BILL 356. Indefinitely postponed.
LEGISLATIVE BILL 489. Indefinitely postponed.
LEGISLATIVE BILL 516. Indefinitely postponed.

(Signed) William E. Nichol, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 101.

Introduced by Judiciary Committee: Nichol, 48th District, Chairperson; Sieck, 24th District; Kilgarin, 7th District; Chambers, 11th District; Beyer, 3rd District; Von Minden, 17th District; Chronister, 18th District; Pirsch, 10th District.

PURPOSE:

The purpose of this interim study is to examine the basic purposes, policies, and goals of corrections, sentencing and parole in Nebraska. The Judiciary Committee intends to conduct inquiry into several areas of corrections through the public hearing process; which areas shall include but not be limited to parole board functions, sentencing guidelines, grievance procedures, good time procedures, assaults committed while in confinement, and corrections personnel policy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 102.

Introduced by Judiciary Committee: Nichol, 48th District, Chairperson; Von Minden, 17th District; Sieck, 24th District; Kilgarin, 7th District; Pirsch, 10th District; Chambers, 11th District; Beyer, 3rd District; Chronister, 18th District.

PURPOSE:

The victims of crime often are not fully compensated for their losses suffered through criminal activity; and

The State of Nebraska has an interest in assuring its citizens who are victims of criminal activity that they will be reimbursed for their losses; and

The Judiciary Committee is desireous of conducting an interim study, the purpose of which is to develop guidelines and alternatives to be used by the courts in regard to restitution programs for victims of crime.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 103.

Introduced by Judiciary Committee: Nichol, 48th District, Chairperson; Kilgarin, 7th District; Pirsch, 10th District; Von Minden, 17th District; Sieck, 24th District; Chambers, 11th District; Beyer, 3rd District; Chronister, 18th District.

PURPOSE:

At the suggestion of the Legislature's Judiciary Committee the Nebraska Supreme Court is about to undertake a study regarding the feasibility of realignment of Nebraska Judicial Districts; and

The Legislative public hearing process would be conducive to the solicitation of testimony and public input in the redistricting process; and

The Judiciary Committee is desireous of conducting such hearings to coordinate the efforts of the legislative and judicial branches of government in such redistricting effort.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 104.

Introduced by Law Enforcement and Criminal Justice Advisory Committee: Nichol, 48th District, Chairperson; Pirsch, 10th District; Von Minden, 17th District; Chambers, 11th District; Sieck, 24th District; Beyer, 3rd District; Chronister, 18th District; Kilgarin, 7th District.

PURPOSE:

Current funding sources for the Grand Island Law Enforcement Training Center will be depleted by September, 1982. The purpose of this interim study is to explore alternative funding sources for, and overall operations of the new training center at Grand Island.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 105.

Introduced by Judiciary Committee: Nichol, 48th District, Chairperson; Kilgarin, 7th District; Pirsch, 10th District; Sieck, 24th District; Chambers, 11th District; Beyer, 3rd District; Von Minden, 17th District; Chronister, 18th District.

PURPOSE:

The Judiciary Committee has been involved in the recodification of the Nebraska Juvenile Code for the past two interims which has resulted in the introduction and passage of LB 346 during the 87th Legislature, First Session, and

LB 346 has a delayed operative date of July 1, 1982, to allow for refinement and further input from public and private agencies involved in the implementation of the juvenile law, and

The Judiciary Committee desires to hold public hearings on such suggested refinements and changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 106.

Introduced by Higgins, 9th District.

WHEREAS, in 1979 the Banking, Commerce and Insurance Committee conducted a study pursuant to LR 65 concerning the sale of medicare supplement insurance and nursing home insurance to the citizens of Nebraska;

WHEREAS, the result of that study was the introduction of LB 877 in 1980 by the Banking, Commerce and Insurance Committee and the ultimate adoption of said legislation which provides minimum standards and disclosure requirements for that type of insurance;

WHEREAS, Senator Higgins introduced LB 329 in 1981 to expand the role of LB 877, which legislation was again referred to the Banking, Commerce and Insurance Committee and was ultimately passed by the Legislature and signed by the Governor;

WHEREAS, large amounts of insurance expenditures and private expenditures are made each year on nursing home care, the quality of which is of vital importance to the citizens of this State, and should be studied;

WHEREAS, certain nursing homes interfere with the residents' freedom to purchase related goods and services, such as pharmaceuticals, from the lowest priced source, to the detriment of commerce;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to investigate the above enumerated subjects.

2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 107.

Introduced by Lamb, 43rd District.

PURPOSE:

The purpose of this study would be to continue the interstate cooperative effort to gather, coordinate, share and evaluate information relating to the proposed power transmission facility known as the MANDAN line. Significant progress was achieved during previous interims by the study committee composed of legislators from North Dakota, South Dakota and Nebraska in reducing or eliminating obstacles to the development of the project. However, the complexity of such an international effort requires on-going discussion and coordination among the affected states. Copies of this Resolution will be forwarded to the participating state legislatures in the hope of encouraging the continuation of their respective MANDAN study committees for the 1981 interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislature Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 108.

Introduced by Koch, 12th District.

PURPOSE:

Regulation of Private Schools

The purpose of this resolution is to study the appropriate role of the state in the regulation and supervision of private and denominational schools to assure the state's interest in an informed citizenry while avoiding an infringement of religious rights. The focus of the issue is the application of teacher certification requirements, rules and regulations to private schools, and compulsory attendance laws. Measures of educational equivilency is also an item to be considered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lamb and Wagner asked unanimous consent to print the following amendment to LB 252 in the Journal. No objections. So ordered.

Page 6 line 21
after "not" insert "significantly".

UNANIMOUS CONSENT - Member Excused

Mrs. Higgins asked unanimous consent to be excused Friday, May 8, 1981. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 190.

Correctly Engrossed

The following bills were correctly engrossed: 334, 334A, and 463.

(Signed) Karen Kilgarin, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 109.

Introduced by Administrative Rules and Regulations Review Committee: V. Johnson, 8th District, Chairperson; Haberman, 44th District; DeCamp, 40th District; Koch, 12th District; Barrett, 39th District; R. Peterson, 21st District; Fowler, 27th District.

PURPOSE:

The purpose of this resolution is to make a study of the processes followed by state government in securing federal funding for various projects. Many federal grants are made without any participation of the Legislature. The study should investigate how the Legislature can take a more active postion with respect to the decision making process necessary to secure a federal grant for the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 110.

Introduced by Administrative Rules and Regulations Review Committee: V. Johnson, 8th District, Chairperson; Haberman, 44th District; DeCamp, 40th District; Barrett, 39th District; R. Peterson, 21st District; Koch, 12th District; Fowler, 27th District.

PURPOSE:

The purpose and intent of this interim study resolution is to study the administrative practices of agencies, boards and commissions of the state government. This study will include a detailed analysis of how each agency is organized, the internal management of the agency, the statutes governing the agency, and the rules adopted by the agency as well as the procedures followed during their adoption. All areas of funding will be investigated, and the prerequisites for such funding (i.e. rules necessary to implement federal funding and mandates).

The result will be an overall picture of administrative functions of the state government.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 111.

Introduced by Administrative Rules and Regulations Review Committee: V. Johnson, 8th District, Chairperson; Haberman, 44th District; R. Peterson, 21st District; Barrett, 39th District; Koch, 12th District, DeCamp, 40th District; Fowler, 27th District.

PURPOSE:

Currently there are at least two statutory procedures under which to litigate a claim against the state of Nebraska. This study should investigate these and other methods of asserting a claim against the state, detailing any conflicts between or among them, and suggesting possible solutions for these conflicts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Cullan asked unanimous consent to print the following amendment to LB 95 in the Journal. No objections. So ordered.

1. In section 44, lines 3 and 4, strike "to no longer be a mentally-disordered sex offender" and insert "not a mentally ill and dangerous person"; on line 6 strike "that such person has fully recovered".

RESOLUTIONS

LEGISLATIVE RESOLUTION 112.

Introduced by Haberman, 44th District.

PURPOSE:

The purpose of this resolution is to study the statutory offense of driving while intoxicated (DWI) and the penalties for first, second, and subsequent offenses. The study should include consideration of whether the courts are enforcing the provisions of section 39-669.07, specifically for third-time offenders, and if not, the reasons for not strictly enforcing the state law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 113.

Introduced by Fenger, 45th District; R. Peterson, 21st District.

PURPOSE:

The purpose of this study is to examine the administrative and medical organizational structure of the three regional centers in Nebraska. Numerous difficulties have been cited regarding problems of recruitment and payment of psychiatrists. However, at the current time psychiatrists are utilized in administrative capacities in the regional centers.

The study shall include, but not be limited to, an examination of:

(1) Current Nebraska statutory requirements regarding the administration of the regional centers;

(2) the administrative organization system currently in place in the regional centers;

(3) the medical organization system currently in place in the regional centers;

(4) the organization models used by state facilities in other states;

(5) the organizational structure used in public and private hospitals in Nebraska; and

(6) development of statutory alternatives for Nebraska regional centers.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Public Health & Welfare Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 114.

Introduced by the Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Wesely, 26th District; R. Peterson, 21st District; Maresh, 32nd District; Barrett, 39th District; Higgins, 9th District; Fenger, 45th District.

PURPOSE:

The purpose of this study is to examine the regional delivery of services in the State of Nebraska. Several bills were considered by the Public Health and Welfare Committee this session which raised questions regarding various elements of the regional service system. This study would examine all elements of the regional delivery system including the funding, administration, organization, and authority of the regions as it affects the delivery of services to clients. Included in this study will be mental health, mental retardation, alcoholism and drugs, and aging services. The services provided by county health departments will also be examined.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Public Health and Welfare Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 115.

Introduced by L. Johnson, 15th District; H. Peterson, 35th District.

WHEREAS, Dr. L. Dale Lund, tenth president of Midland Lutheran College at Fremont, will retire on July 31, 1981, after more than twelve years at the college; and

WHEREAS, during Dr. Lund's administration, Midland Lutheran College has experienced considerable growth and maintained a solid fiscal condition, during years that were difficult for many small, private colleges; and

WHEREAS, Dr. Lund is considered by the Presidents of the Nebraska Independent College Association as the "dean" of such association; and

WHEREAS, Dr. Lund is currently chairman of the Nebraska Independent College Foundation, is a past president of the Nebraska Association of Colleges and Universities, the Nebraska Educational Television Council for Higher Education, the Association of Independent Colleges and Universities in Nebraska, and the Kansas Foundation for Private Colleges, and continues to be active in his community and various educational associations and organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations to Dr. L. Dale Lund for his years of exemplary leadership at Midland Lutheran College and wishes him further success in his career.

Laid over.

SELECT FILE

LEGISLATIVE BILL 3. Messrs. Goodrich and DeCamp asked unanimous consent to withdraw their pending amendment found in this day's Journal. No objections. So ordered.

Messrs. Landis and Carsten offered the following amendment:

Amend LB 3 by striking the committee amendments and insert the following new language:

Manufacturing and processing equipment purchased on or after September 1, 1981, for use directly in manufacturing or processing operations, initially installed in a manufacturing facility of new construction begun on or after July 1, 1981. For purposes of this subdivision, the term new construction shall include: (1) a new facility or the physical expansion of an existing facility or (2) installation to achieve product diversification.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Landis-Carsten amendment was adopted with 26 ayes, 4 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment with 30 ayes, 5 nays, 12 present and not voting, and 2 excused and not voting.

MESSAGES FROM THE GOVERNOR

May 6, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Reengrossed Legislative Bills 284 and 284A were received in my office this week.

These bills were signed by me on May 6, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

VISITORS

Visitors to the Chamber were 22 eighth grade students, teacher, and sponsors from Holy Family School, Lindsey; 16 high school students and sponsor from Dist. #1, Wymore; 49 seventh and eighth grade students, teachers, and sponsors from St. Mary's School, Omaha; 21 sixth grade students and teachers from Henderson; and 22 high school students and teacher from Superior.

ADJOURNMENT

At 4:45 p.m., on a motion by Mr. Kahle, the Legislature adjourned until 8:00 a.m., Thursday, May 7, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SIXTH DAY - MAY 7, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE FIRST SESSION

SEVENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 7, 1981

Pursuant to adjournment, the Legislature met at 8:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Bob Chitwood, Minister of Capitol City Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch, Messrs. Beyer, Burrows, Chambers, Cullan, Fowler, Goodrich, Haberman, Hoagland, Landis, Newell, Schmit, Wesely, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Fifth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 181. Placed on Select File as amended.
E & R amendments to LB 181:

1. In the Wesely amendments, page 1, line 14, strike "of LB" and insert ", Legislative Bill".
2. In the title, strike lines 2 to 16 and insert:

"FOR AN ACT relating to public power, to amend sections 70-407, 70-505, 70-506, 70-509, 70-601 to 70-604, 70-604.05, 70-604.06, 70-607, 70-608, 70-610, 70-612, 70-621, 70-625.02, 70-626, 70-626.01, 70-628, 70-629, 70-631, 70-636, 70-645, 70-647, 70-648, 70-655, 70-662 to 70-667, 70-670, 70-672, 70-680, 70-802 to 70-807, 70-1001, 70-1002, 70-1002.01, 70-1002.03, 70-1004, 70-1011, 70-1014, 70-1015, 70-1017, 70-1019, and 70-1020, Reissue Revised Statutes of Nebraska, 1943, sections 70-1003, 70-1012, and 70-1012.01, Revised Statutes Supplement, 1980, and sections 27, 29 to 34, 51, and 53, Legislative Bill 132, Eighty-seventh Legislature, First Session, 1981; to harmonize provisions; to make technical corrections; to change duties; and to repeal the original sections, and also section 70-623.01, Reissue Revised Statutes of Nebraska, 1943.''.

3. On page 8, line 12, strike the new matter.

LEGISLATIVE BILL 396. Placed on Select File as amended.
E & R amendments to LB 396:

1. In committee amendments, page 3, line 24, strike the first comma; and in line 25 strike the second '', or'' and insert ''or,''.

2. In committee amendments, page 7, line 2, insert a comma after ''annually''; and in line 21 strike the comma.

3. In the title, line 3, strike ''Line Testing'' and insert ''Liming Materials''; in line 5 strike ''and'' and after ''penalties'' insert ''; and to provide an operative date''.

LEGISLATIVE BILL 543. Placed on Select File as amended.
E & R amendments to LB 543:

1. Insert a new section to read:

''Sec. 13. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.''.

2. In the title, lines 2 and 3, strike ''76-1619, and 76-1622'' and insert ''76-1609, 76-1615, 76-1619, 76-1620, 76-1622, 76-1631, 76-1635, 76-1638, and 76-1648''; in line 7 strike ''and'' and insert ''to make technical and harmonizing revisions;'' and in line 8 insert ''; and to declare an emergency'' after ''sections''.

LEGISLATIVE BILL 487. Placed on Select File as amended.
E & R amendments to LB 487:

1. On page 17, line 4, insert an underscored semicolon after ''centers''; and in line 5 strike the semicolon and show as stricken.

2. On page 23, line 27, strike the first comma and show as stricken.

3. On page 24, line 12, and page 25, line 7, strike the last comma and show as stricken.

4. On page 27, strike line 15 and insert ''this section.''.

5. In committee amendments, page 7, line 7, strike the first ''and''.

6. In the title, strike lines 3 and 4 and insert

"amend sections 41-104, 41-109 to 41-114, 41-118 to 41-121,"; strike beginning with line 7 through the semicolon in line 11 and insert "and redefine terms; to delete from Chapter 41, article 1, provisions not relating to restaurants, concessionaries, or vending machines; to delete provisions for boarding houses; to provide for residential care facilities; to provide duties;"; and in line 12 strike "section 41-102" and insert "sections 41-101 to 41-103, 41-115 to 41-117, and 41-122 to 41-130".

LEGISLATIVE BILL 316. Placed on Select File as amended.
E & R amendments to LB 316:

1. Insert a new section to read:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, line 8, strike "to create a fund; and"; and in line 9 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 441. Placed on Select File as amended.
E & R amendment to LB 441:

1. In the title, line 1, strike "and" and insert ", detection, or"; and in line 8 strike "federal".

LEGISLATIVE BILL 224. Placed on Select File.

LEGISLATIVE BILL 485. Placed on Select File as amended.
E & R amendments to LB 485:

1. On page 4, lines 14 and 22, reinstate the stricken comma.

2. On page 5, line 6, strike the comma and show as stricken.

3. In the title, line 7, strike "of" and insert "for".

4. On page 6, line 7, strike "either" and show stricken.

LEGISLATIVE BILL 544. Placed on Select File as amended.
E & R amendment to LB 544:

1. In the title, line 5 strike "and"; and in line 6 insert "; and to declare an emergency" after "section".

(Signed) Karen Kilgarin, Chairperson

NOTICE OF COMMITTEE HEARING
Education

Governor's Appointments	May 21, 1981	12:00 p.m.

Safety Center Advisory Council
  Fred Zwonecheck
  Gary Lund
  John Ward
  Gary Sims
  Honorable Glen Fiebig
  Bob Gunderson
  Bud Weiss
  Sam Grimminger
  Duane Schmidt
  Rollin Schneider

Education Television Commission
  Roger Bailey

Postsecondary Education Coordinating Commission
  Wendall Wood
  Beth Klosterman

(Signed) Jerry Koch, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 75.

MOTION - Suspend Rules

Speaker Marvel moved to suspend the rules, Rule 6, Section 7, in order to consider the following bills on final reading today.
LBs 163, 557, 558, 559, 560, 561, 562.

The motion prevailed with 32 ayes, 0 nays, 3 present and not voting, and 14 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 559. With Emergency.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1981, to June 30, 1982; to repeal Laws 1979, LB 184A, section 3; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Barrett
Beutler
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 1:

Stoney

Excused and not voting, 6:

Beyer
Chambers
Goodrich
Pirsch
Schmit
Wiitala

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 160. With Emergency.

A BILL FOR AN ACT to make an appropriation to provide for the payment of salaries of members of the Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the period of July 1, 1981, to June 30, 1982; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Barrett
Beutler
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Koch

Excused and not voting, 5:

Beyer
Chambers
Goodrich
Pirsch
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 161. With Emergency.

A BILL FOR AN ACT to appropriate funds for the payment of the salaries of the officers of Nebraska State Government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the year ending June 30, 1982; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Barrett
Beutler
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 5:

Beyer	Chambers	Goodrich	Pirsch	Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTION

LEGISLATIVE RESOLUTION 116.

Introduced by Rumery, 42nd District.

WHEREAS, the contribution of Native Americans to the history of Nebraska and the Great Plains is substantial and deserving of recognition; and

WHEREAS, the Unknown Indian Monument, located at Sioux Lookout in Lincoln County, Nebraska, has stood for half a century as a reminder of that contribution; and

WHEREAS, Governor Thone has signed a proclamation declaring May 30, 1981, as Unknown Indian Day to support the efforts of the Committee for the Preservation of the Unknown Indian.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature encourages Nebraskans to observe Unknown Indian Day on May 30 and urges all citizens to support the committee's efforts to restore and preserve the monument, thereby honoring the role that Native Americans have played and continue to play in the development of this state.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 303. Placed on Select File as amended.
E & R amendment to LB 303:

1. In the title, line 2, strike "and 79-803.10" and insert ", 79-706, 79-803.10, 79-803.11, 79-1003.03, and 79-1103"; and at the end of line 3 insert "and section 79-902.01, Revised Statutes Supplement, 1980,".

LEGISLATIVE BILL 216. Placed on Select File as amended.
E & R amendments to LB 216:

1. On page 24, line 14, insert "of" after "fine".
2. On page 26, line 19, strike the comma and insert "or"; and in line 20 insert "to" after "or".
3. In the title, line 2, insert "75-359," after "sections"; and in line 8 strike "a penalty" and insert "penalties".

LEGISLATIVE BILL 322. Placed on Select File as amended.
E & R amendment to LB 322:

1. In the title, line 3, strike "publish" and insert "furnish".

LEGISLATIVE BILL 411. Placed on Select File as amended.
E & R amendments to LB 411:

1. On page 2, line 26, and page 3, line 2, strike "where" and insert "when".
2. On page 3, line 27, strike "Where" and insert "When".
3. In the title, line 3, insert "granting or denying" after "for"; in line 4 insert "claimed to have been" after "evidence"; and in lines 5 and 6 strike "by the prosecution".
4. In the committee amendments, page 1, line 8, insert a comma before "when" and after "charged".

LEGISLATIVE BILL 344. Placed on Select File as amended.
E & R amendment to LB 344:

1. On page 2, line 19, strike the first comma and insert "or"; strike "and/or" and insert "the"; and after "costs" insert
", or both such appearance and payment".

LEGISLATIVE BILL 172. Placed on Select File as amended.
E & R amendment to LB 172:

1. In the title, line 2, strike "sections 66-604," and insert "section"; and in lines 2 and 3, strike "66-609,"; and strike beginning with "to" in line 10 through line 11.

LEGISLATIVE BILL 529. Placed on Select File as amended.
E & R amendments to LB 529:

1. In committee amendments, page 13, line 2, strike "section" and insert "subsection".
2. In committee amendments, page 18, line 12, insert "88-401," after "section".
3. In the title, line 3, after the fourth comma insert

"88-507,"; in line 4 strike "and 88-519,"; in line 5 strike "section" and insert "sections 88-515 and"; and strike lines 6 to 10 and insert "Statutes Supplement, 1980; to change provisions for regulation of public grain warehouses and grain buyers; to provide protection for grain sellers or storers; and to repeal the".

LEGISLATIVE BILL 529A. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 232. With Emergency.

A BILL FOR AN ACT to amend Laws 1980, LB 818A, section 2, Laws 1980, LB 996, sections 6, 12, and 18, Laws 1980, LB 997, sections 4, 5, 8, 9, and 11, Laws 1980, LB 998, sections 4, 6, 8, 9, 11, 12, 14, 16, 23, 29, 43, and 46, Laws 1980, LB 999, sections 4, 5, 6, 7, and 8, Laws 1979, LB 594, section 20, as amended by Laws 1980, LB 1000, section 6, Laws 1979, LB 594, section 31, as amended by Laws 1980, LB 1000, section 10, and Laws, 1980, LB 1002, sections 6, 13, and 25; to make, increase, and reduce appropriations; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 2:

Lamb
Maresh

Present and not voting, 1:

Kahle

Excused and not voting, 3:

Chambers
Pirsch
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 163. With Emergency.

A BILL FOR AN ACT relating to appropriations; to acknowledge and reaffirm appropriations previously made; to appropriate and reappropriate funds; to amend Laws 1980, LB 1000, sections 2, 4, and 5, and Laws 1980, LB 1001, sections 28 and 42; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 3:

Carsten
Chambers
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 557. With Emergency.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1981, to June 30, 1982; to recite limitations on expenditures; to provide for lapsing; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Clark

Excused and not voting, 1:

Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 558. With Emergency.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1981, to June 30, 1982; to recite limitations on expenditures; to provide severability; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Stoney

Excused and not voting, 1:

Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 560. With Emergency.

A BILL FOR AN ACT to make appropriations for expenses of agencies of higher education for the period of July 1, 1981, to June 30, 1982; to provide severability; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

DeCamp
Kahle

Excused and not voting, 1:

Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. V. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 561. With Emergency.

A BILL FOR AN ACT to make appropriations for state aid programs for the period of July 1, 1981, to June 30, 1982; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.

Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Stoney

Present and not voting, 1:

Newell

Excused and not voting, 2:

Johnson, V.
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 562. With Emergency.

A BILL FOR AN ACT to make appropriations for capital construction projects; to provide severability; to repeal Laws 1980, LB 1001, section 5; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 44:

Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 2:

Newell
Stoney

Present and not voting, 1:

Barrett

Excused and not voting, 2:

Johnson, V. Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 389. E & R amendments found in the Journal on page 1508 for the Sixty-Fifth Day were adopted.

Mr. Maresh asked unanimous consent to withdraw his pending amendment found in the Journal on page 1471. No objections. So ordered.

Messrs. Schmit and Wesely renewed their pending amendment found in the Journal on page 1619.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Schmit-Wesely amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Maresh offered the following amendment:

1. On page 7, line 12, after the second "per" insert "family or"; and strike beginning with "The" in line 13 through line 18.

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Wesely moved for a Call of the House. The motion prevailed with 13 ayes, 5 nays, and 31 not voting.

Mr. Lamb requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 14 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 160, 161, 163, 232, 557, 558, 559, 560, 561, and 562.

EXPLANATION OF VOTE

Had I been present May 4, I would have voted aye on LB's 327, 190E, and nay on LB 331.

Had I been present May 5, I would have voted aye on LB's 35E, 284E, 284AE, 76, and 257.
I would have voted nay for LB 384.

(Signed) Donald Dworak

RESOLUTIONS

LEGISLATIVE RESOLUTION 117.

Introduced by Vickers, 38th District.

PURPOSE:
The purpose of this study is to examine irrigation development in the Sandhills region of Nebraska and the effect thereof on 1) the surface water of the region and 2) the subirrigated meadows of the region. The study shall also examine the ecological and economic effects of irrigation development on 1) the Sandhills region as a whole and 2) specific areas of the Sandhills region where irrigation development is most heavily concentrated.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 118.

Introduced by Hoagland, 6th District.

PURPOSE:

The purpose of this resolution is to study the adequacy of existing laws in Nebraska regulating the sale and possession on handguns. The study shall specifically examine whether legislation should be enacted similar to the Bartley-Fox law now in effect in Massachusetts to provide (1) that persons must have a license to carry handguns outside their residences and (2) that persons convicted of carrying a handgun off their property without a license must be given a mandatory jail sentence of three months, six months or one year without the possibility of plea bargaining, probation or parole. The study shall include an assessment of whether the Massachusetts handgun law has been effective in preventing violent crimes in the six years since it was enacted and shall include receiving testimony from persons who have examined and reported on the operation of the Massachusetts law and/or similar laws in other jurisdictions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 119.

Introduced by Vickers, 38th District; DeCamp, 40th District; Von Minden, 17th District.

BE IT RECORDED that Traffic Safety on the roadways of Nebraska is of deep concern to the people of our state and to its Legislature;

WHEREAS, the death toll on Nebraska's roadways increased in 1980 over the previous year by 20%, and statistics show an alarming increase over that fateful year for the first quarter of 1981; and

WHEREAS, the Legislature notes that consistent decreases in traffic fatalities were achieved from 1972 to 1975; and

WHEREAS, the current Legislature has voted to repeal the Periodic Motor Vehicle Inspection Program (PMVI), effective July 1, 1982, and this action was supported by a vote of nearly 70% of the Unicameral on the basis that the Federal Government had withdrawn PMVI as a mandated safety program, and on the basis that the Unicameral had not been satisfied that this continued regulatory burden had, in fact, had an appreciable impact on injury and fatality accidents caused by mechanical failure, and because the Legislature rejects regulation for the sake of regulation; and

WHEREAS, the Chief Executive Officer of Nebraska and the Director of the Department of Motor Vehicles are directly responsible for the administration of a coordinated State Highway Safety Program; and

WHEREAS, the Legislature has directed, in LB 35, that this program be studied accepting any viable evidence for further Legislative consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Legislative Public Works Committee, joined by the principal sponsors of LB 35, shall investigate and request the input and full cooperation of the Director of Motor Vehicles who acts as the Governor's representative for Highway Safety in Nebraska, to offer any substantial or reasonable statistical evidence which would support the contention that the PMVI should not be terminated as scheduled.

This inquiry shall also review those activities of the Nebraska Highway Safety Program which were effective, as compared to the current administration of the program, in an effort to determine how Legislative support may be accomplished to reduce the death and injury rate on Nebraska's highways to a level previously appreciated. To accomplish this task and provide the Department of Motor Vehicles and the Office of Highway Safety with direction, this Legislative review shall include, but not be limited to, the following questions:

1. The total count of both death and injury accidents in each of the years from 1972 through the first half of 1981.

2. An identification as to the cause of these deaths and injuries recorded by State Traffic Safety and Law Enforcement authorities on official accident reports as well as any educated analysis that may be offered.

3. An examination of the management of our State's Highway Safety Program and its various components; roadway design, licensing, drunk driver enforcement, revocation and suspension, overall traffic enforcement, the involvement of the public and private

sectors working together, and the progress of the study being conducted on the "Impact of Driver Manuals on Traffic Safety".

4. Recommendations from the Agencys as to appropriate statutory action that may be considered in any of the above traffic safety related areas.

This inquiry and study shall be conducted so as to present its findings and recommendations to the Second Session of the Eighty-Seventh Legislature which convenes in January, 1982.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 120.

Introduced by Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Sieck, 24th District; Higgins, 9th District; Pirsch, 10th District; H. Peterson, 35th District; Carsten, 2nd District.

PURPOSE:

The purpose and intent of this study is to research the desirability of limiting the number of bills, either by constitutional amendment or by legislative rules, that a Senator may introduce in even-year sessions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 121.

Introduced by Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Higgins, 9th District; Sieck, 24th District; Pirsch, 10th District; H. Peterson, 35th District; Carsten, 2nd District.

PURPOSE:

The purpose and intent of this study is to research the desirability of amending the Constitution to change the minimum number of Senators allowed from fifty to sixty.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Member Excused

Mrs. Labedz asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 95. E & R amendments found in the Journal on page 1528 for the Sixty-Sixth Day were adopted.

Mr. Fowler asked unanimous consent to withdraw his pending amendment found in the Journal on page 1706. No objections. So ordered.

Mr. Fowler offered the following amendment:

1. On page 18, line 21, strike "a" and insert "~~a~~ two"; in line 22 strike "professional", show as stricken, and insert "professionals"; in line 25 after the period insert "Each examining mental health professional shall submit to the county attorney a signed statement concerning the subject's mental state."; and in line 26 strike "professional", show as stricken, and insert "professionals", and strike "a member", show as stricken, and insert "members".
2. On page 19, line 2, strike "professional", show as stricken, and insert "professionals".
3. On page 25, line 7, after "counsel" insert "as soon as possible after a subject is taken into emergency custody or a petition is filed".
4. On page 30, line 12, after the comma insert "and such failure to adhere to release conditions poses a danger to such person or another,".

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Cullan renewed his pending amendment found in the Journal on page 1803.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. DeCamp offered the following amendment:
Strike Section 44 of LB 95.

MR. CLARK PRESIDING

Mr. DeCamp asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 541. The Nichol et al amendment, Req. #2338, found in the Journal on page 1734 was renewed.

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

The Nichol et al amendment was adopted with 26 ayes, 18 nays, 3 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 122.

Introduced by Fowler, 27th District.

PURPOSE:

To undertake a study of the Medicaid system in Nebraska. The study shall include by not be limited to an examination of:

(1) the cost of the Medicaid program in Nebraska;

(2) the adequacy of services which are paid for by Medicaid funds;

(3) alternative health care delivery systems which may be able to provide a comparable level of care at a lower cost; and

(4) the adequacy of Medicaid reimbursement to providers of health care.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 123.

Introduced by Judiciary Committee: Nichol, 48th District, Chairperson; Chambers, 11th District; Sieck, 24th District; Beyer, 3rd District; Von Minden, 17th District; Kilgarin, 7th District; Chronister, 18th District; Pirsch, 10th District.

PURPOSE:

The purpose of this interim study is to consider any legitimate use of wiretapping against the attendant questions of constitutionality, need and effectiveness. The Judiciary Committee intends to study all aspects of wiretapping, including:

1. Whether wiretapping has become over-emphasized in law enforcement.
2. Whether the use of wiretapping should be limited to felonies.
3. Whether Nebraska should forbid wiretapping.
4. The potential for abuse under existing state law, and possible statutory remedies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 124.

Introduced by Telecommunications Committee: Clark, 47th District, Chairperson; Pirsch, 10th District; Sieck, 24th District; Wesely, 26th District; Wagner, 41st District; Goodrich, 20th District; Burrows, 30th District; Chronister, 18th District.

PURPOSE:

WHEREAS, LB 562 authorized the Nebraska Educational Television Commission to construct a microwave interconnect system between Lincoln and Omaha; and

WHEREAS, it has been the tradition of the legislature to discourage the duplication of costly public facilities and encourage the use by the state of the available communication facilities of the common carriers which are regulated and certified by the Nebraska Public Service Commission; and

WHEREAS, a study should be made of the communications requirements of the Nebraska Educational Television Commission; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 125.

Introduced by Intergovernmental Cooperation Committee: Clark 47th District, Chairperson; Haberman, 44th District; Marsh, 29th District; Wiitala, 31st District; DeCamp, 40th District.

PURPOSE:

WHEREAS, the Intergovernmental Cooperation Committee has approved travel for Legislative staff and Senators; and

WHEREAS, such committee has kept files of travel and in the last few years, records of individual travel by senators have been kept for the personal use of the Chairman; and

WHEREAS, Legislative Council is one of the Departments that is to be audited each year and last year all records of Intergovernmental were examined by the State Auditor; and

WHEREAS, a study should be made as to the necessity and accountability of records in the office and a comparison should be made of record-keeping techniques and travel control in other states and in other state offices.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 7, 1981, at 11:15 a.m., were the following bills: 160, 161, 163, 232, 557, 558, 559, 560, 561, and 562.

(Signed) Hazel Kaltenberger, Enrolling Clerk

VISITORS

Visitors to the Chamber were Mike Guilliatt from Fremont; 48 eighth grade students, sponsors, teachers, and superintendent from Holt County Rural School, O'Neill; Senator Pirsch's mother, Mrs. Lyle McBride; Mrs. Lois Backer, Mrs. Joyce Peck, Mrs. Donna Palmer, and Mrs. Gordon Bryant, Jr. from Tekamah; 9 students from Papillion; 97 fourth grade students and teachers from Bellevue; 35 seventh and eighth grade students and teachers from Trinity Lutheran School, Fremont; Pia Sibbern Sarsen from Denmark; 11 twelfth grade students, sponsors, and teacher from Snyder; students and teacher from Duchesne Academy, Omaha; and 9 eighth grade students, teacher, and sponsors from Inman.

RECESS

At 11:58 a.m., on a motion by Mr. Haberman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Chambers, Fowler, Haberman, Newell, and Schmit who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Cope asked unanimous consent to be excused Friday, May 8, 1981. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 541A. By Nichol, 48th District.
This bill introduced on behalf of: LB 541.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 541, Eighty-Seventh Legislature, First Session, 1981; and to declare an emergency.

UNANIMOUS CONSENT - Member Excused

Mr. L. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 360. E & R amendments found in the Journal on page 1528 for the Sixty-Sixth Day were adopted.

Messrs. Warner and Carsten asked unanimous consent to withdraw their pending amendment, Req. #2340, (1) printed separate from the Journal and referred to on page 1601. No objections. So ordered.

Mr. Warner renewed his pending amendment, Req. #2334, found in the Journal on page 1601.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Warner amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Mr. Fenger renewed his pending amendment, Req. #2362, found in the Journal on page 1678.

The amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. DeCamp renewed the Schmit pending amendment, Req. #2371, found in the Journal on page 1735.

The Schmit amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 506. E & R amendments found in the Journal on page 1528 for the Sixty-Sixth Day were adopted.

Mr. Warner renewed his pending amendment found in the Journal on page 1629.

The amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 1744. No objections. So ordered.

Mr. Warner offered the following amendment:

(Amendments to REQ 2331)

1. Insert the following new section:

"Sec. 3. The director when making grants and contracts pursuant to sections 1 to 4 of this act shall consider:

(1) The relevancy of the applicant's proposal to the furthering of research of cancer and smoking diseases;

(2) The feasibility of the applicant's proposal;

(3) The availability of other sources of funding for the applicant's proposal;

(4) The facilities, personnel, and expertise available to the applicant for use in the proposal; and

(5) Evidence of the quality of the applicant's prior or existing programs for research of cancer and smoking diseases or the applicant's potential for developing new programs for such research.".

2. On page 1, line 5, strike "3" and insert "4".

3. On page 2, line 14, strike "3" and insert "4".

4. Renumber remaining sections accordingly.

The amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

MR. CLARK PRESIDING

Advanced to E & R for Engrossment with 28 ayes, 4 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 266. E & R amendment found in the Journal on page 1529 for the Sixty-Sixth Day was adopted.

Mr. Wesely offered the following amendment:
1. In the Wesely amendment on page 1497
of the Journal, line 10 strike "January 1, 1983"
and insert "April 1, 1984".

The amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 266A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 545. E & R amendments found in the Journal on page 1529 for the Sixty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 126.

Introduced by Clark, 47th District; Marsh, 29th District; Barrett, 39th District; Vickers, 38th District; Nichol, 48th District; Kahle, 37th District; Wesely, 26th District; Fitzgerald, 14th District; Goodrich, 20th District; Warner, 25th District; Maresh, 32nd District.

PURPOSE:

WHEREAS, the Legislature desires to understand and appreciate the needs and desires of elderly and disabled persons so as to be able to properly address questions relating to their independence, care, and general quality of life; and

WHEREAS, the containment of care cost is now important, but will be significantly more pressing should the "Block Grant" concept and "medicade cap" proposed at the federal level be employed later in 1981; and

WHEREAS, a state wide comprehensive plan that will insure the delivery of good quality health care at the lowest reasonable cost to the taxpayers of Nebraska is urgently needed in view of the changing economic climate;

WHEREAS, the purpose of this resolution is to specifically address, but not necessarily limited to the following subject areas:

A. An examination of community and in-home programs providing less intensive care than institutions enabling elderly and disabled persons to maintain self-sufficiency and allow others to return from institutions to the community.

B. The development of alternative long-term care programs providing a continuum of health care and other services in the community.

C. The development of standards for facilities housing elderly and disabled persons in the community to meet the needs for alternative care programs.

D. The examination of present standards for community facilities including the availability and reimbursement rates of such facilities.

E. The identification of ineffective and inappropriate use of public funds due to the unnecessary or inappropriate placement of elderly and disabled persons.

F. A comprehensive review of the definitions of health care, definitions of care requiring licensing and compensation mechanisms for each form or level of care.

G. To insure that the definitions of each level of care as set forth by the Nebraska Department of Health do not exceed the state and/or individuals ability to pay for such level of care.

H. The desire of the elderly of Nebraska to participate in public decisions that impact upon their families and their life styles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 127.

Introduced by Haberman, 44th District.

PURPOSE:

The purpose of this resolution is to study the method of financing the construction, maintenance, and administration of the state highway system. The study should consider present methods of financing used by this state and other states, including the charging of a variable gas tax and a ton-mile tax. The study of the variable gas tax should include its effect on the cost of gas to purchasers in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 128.

Introduced by Higgins, 9th District; Cullan, 49th District.

PURPOSE:

The purpose and intent of this study is to review and clarify the basis for differentiating between the private practice of medicine and diagnostic or treatment centers or clinics for purposes of health clinic licensure. Included in this study shall be a review and consideration of factors or criteria which could be used for guidance in establishing such distinctions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Member Excused

Messrs. Cullan and R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 252. E & R amendment found in the Journal on page 1578 for the Sixty-Eighth Day was adopted.

Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 1535. No objections. So ordered.

Mr. Vickers renewed his pending amendment found in the Journal on page 1773.

Amendment pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 129.

Introduced by Landis, 46th District.

PURPOSE:

Current state law prohibits any officer or employee of a city or village from having any interest or consideration in a contractual agreement with the city or village in excess of $10,000. This statute is designed to protect the citizens of a community from any conflict of interest that an officer or employee of that community may potentially encounter. Problems have arisen, especially in the smaller communities of Nebraska, in complying with this law and at the same time providing prudent fiscal management and adequate representation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That an interim study be conducted by the Urban Affairs Committee to look into the ramafications which the conflict of interest laws have on communities in Nebraska.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 130.

PURPOSE:

Recent court decisions have complicated the legislative intent of Nebraska Revised Statutes, Chapter 18, Sections 18-101 through 18-130 concerning the initiative and referendum petitions. LB 434 of 1981 provided a short-term remedy to the problems that arose in conjunction to the judicial decisions but a need still exists for further clarification and re-organization of Sections 18-101 through 18-130.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. An interim study be conducted by the Urban Affairs Committee to look into the organization of Sections 18-101 through 18-130 concerning the initiative and referendum petitions.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 131.

Introduced by Landis, 46th District.

PURPOSE:

It is increasingly apparent that government funds for community improvement projects will be severly limited in the future. This limitation could have the effect of increasing blighted areas in local communities. In order to promote economic growth and stimulate community development, Pensylvania and Missouri have instituted community assistance programs. These programs create credits on the state income tax for businesses which contribute money or other resources to programs which assist low income people, families, or communities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. An interim study be conducted by the Urban Affairs Committee to investigate incentives for growth in blighted areas such as the community assistance programs and alterations in the Nebraska Mortgage Finance Fund.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 132.

Introduced by V. Johnson, 8th District.

PURPOSE:

The overall mortality rate of 11.6 per thousand live births for Nebraska infants is less than the United States rate of 13.0 per thousand live births. However, a breakdown of Nebraska's infant mortality rate by race indicates great disparity. These mortality rates by race are:

Whites	11.1 per thousand live births
Blacks	23.4 per thousand live births
Indians	23.3 per thousand live births
Mexican	8.9 per thousand live births

The purpose of this resolution is to study infant mortality rates within Nebraska. The focus of the study will be to 1) identify geographically high risk areas for Blacks and Indians and 2) identify those factors that contribute to their extremely high infant mortality rates.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 133.

Introduced by Pirsch, 10th District.

PURPOSE:

Problems have arisen in determining what to do with property, either inherited or received as a gift by either spouse, in a divorce. The purpose of this study proposal is to explore what property should be included in the marital estate to be divided between the parties by the court. Definitions should be explored as to what is considered commingled property, and what is considered to be property which has been kept separate prior to a divorce. Investments and profits from such property will be explored to determine if they should be considered as a part of the marital estate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

STANDING COMMITTEE REPORT
Agriculture and Environment

May 7, 1981

The Agriculture and Environment Committee desires to report favorably to the members of the Nebraska Unicameral upon the Gubernatorial Appointments listed below which were present at a public hearing on May 7, 1981. The Agriculture and Environment Committee suggests the appointments be confirmed by the Nebraska Legislature.

Environmental Control Council
Carl G. Swanson, Jr.
Ted Regier

Voting in favor of the appointments were: Senators Wagner, Burrows, Nichol, Richard Peterson, Remmers, Wiitala, and Rumery.

(Signed) Donald L. Wagner,
Acting Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Fitzgerald and DeCamp asked unanimous consent to print the following amendment to LB 376 in the Journal. No objections. So ordered.

1. On page 2, line 22, strike ''corporate'' and show as stricken, strike ''city'', show as stricken, and insert ''county''; reinstate the stricken matter in lines 22 and 23; and strike the new matter in lines 23 and 24.

VISITORS

Visitors to the Chamber were 28 fifth and sixth grade students, teachers, and sponsors from Roseland Elementary, Roseland; Senator Beutler's parents, Mr. and Mrs. Jack Beutler; 35 fourth graders and teachers from Park and East Schools, Fairbury; and Senator Maresh's nephew, Larry Maresh, guests Damodar R. Sharma of Nepal, and Mundingo Ghogomu from the United Republic of Cameroon West Africa.

CEREMONIES

The Legislature was at ease while the former State Legislators were introduced.

ADJOURNMENT

At 2:58 p.m., on a motion by Mr. Nichol, the Legislature adjourned until 9:00 a.m., Friday, May 8, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SEVENTH DAY - MAY 8, 1981

LEGISLATIVE JOURNAL

SEVENTY-SEVENTH DAY - MAY 8, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

SEVENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 8, 1981

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Forrest R. Morningstar, Chaplain-Administrator at Eastmont Towers, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins and Mr. Cope who were excused; and Miss Kilgarin, Mrs. Marsh, Messrs. Haberman, Koch, L. Johnson, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1836, line 26, strike "Revenue".
Page 1837, line 2, insert "Revenue".
Page 1838, after line 23, insert "Introduced by Landis, 46th District".
The Journal for the Seventy-Sixth Day was approved as corrected.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of May 7, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Besaw, Dan - St. Paul, Minnesota, Motor Vehicle Manufacturing Association
Burnett, J. A. - St. Paul, Minnesota, (Withdrawn 5/5/81), 3M Company
Lynch, Daniel C. - Omaha, Blue Cross and Blue Shield
Rasmussen, Dennis - Lincoln, Association for Better Financial Services in Nebraska, Inc.
Wylie, William - Elgin, S. Kulheim

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 248, 248A, and 346.

(Signed) Karen Kilgarin, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 134.

Introduced by Judiciary Committee: Nichol, 48th District, Chairperson; Sieck, 24th District; Chambers, 11th District; Von Minden, 17th District; Kilgarin, 7th District; Pirsch, 10th District; Chronister, 18th District; Beyer, 3rd District.

PURPOSE:

The purpose of this interim study is to coordinate efforts being made by the Judiciary Committee and various Nebraska Bar Association and Supreme Court Drafting Committees with regard to problem areas in our law governing civil procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 135.

Introduced by Koch, 12th District.

PURPOSE:
Contracts (LB 223 and 439)

The purpose of this resolution is to study employment contracts made between school districts and teachers or administrators. Neal v. York, a recent court case, found that coaching is not teaching, this lead to a proposal for requiring separate contracts for teaching and extracurricular activities. The concern of school districts is the authority to assign duties in order to fill extracurricular positions. Teachers expressed concern about the possibility of having contracts terminated for refusal of extracurricular duties.

Another issue is the obligation of school districts to use contract forms prescribed by the Department of Education. The study would determine elements which could be required and examine the need for flexibility to meet local needs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 136.

Introduced by Koch, 12th District.

PURPOSE:
Child Care (LB 520)

The purpose of this study is to examine issues related to a comprehensive policy and system of child care such as those raised by LB 520 and prepare recommendations which will assist in the development of such policy and programs which will define the state role in a cost effective comprehensive child care program. The major focus of this study would be to examine the coordination of the various state and private agencies for the provision of a comprehensive child care program, and the relationship of the federal government to the state policy and program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 137.

Introduced by Koch, 12th District.

PURPOSE:
Tax Equity (LB 210, 319)

The purpose of this resolution is to study issues regarding school tax equity. LB 210 proposed to shift some of the burden of supporting schools from property taxes which have been shown to be regressive and unpopular to sales and income taxes. The possible results of such a shift will be investigated. Another important issue involves tax inequality which exists among different classes of school districts, specifically between certain Class I districts and those served by a K-12 system. The study will examine alternatives which may help to provide tax equity, while still maintaining local control of budgets and school district organization.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 138.

Introduced by Koch, 12th District.

PURPOSE:

The purpose of this resolution is to study the effects of federal budget reductions upon the financing of education in Nebraska. This study is both timely and essential since it is likely that Federal educational grants will be drastically reduced and consolidated. It is important that the legislature study the impact of such a reduction and begin taking the necessary steps to reduce financial hardships due to a loss of Federal funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 139.

Introduced by Koch, 12th District.

PURPOSE:
Professional growth and Evaluation (LB 443)

The purpose of this resolution is to study the development of a systematic method for promoting professional growth of public school teachers and the enactment of statutory provisions for teacher and administrator evaluations. The study will examine methods of promoting professional growth and the use of evaluation procedures to improve the quality of instruction and education in Nebraska schools. An important consideration is the provision of local options to meet the needs of individual school districts. The study would provide information to help determine evaluation and professional growth procedures which will serve the best interests of students, teachers, and the school district.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 140.

Introduced by Koch, 12th District.

PURPOSE:
(LB 507) Coordinating Commission for Postsecondary Education

The purpose of this resolution is to study the effectiveness of the Nebraska Coordinating Commission for Postsecondary Education. The study will examine the feasability of transferring programs and functions of the Commission to the State Board of Education, the State Department of Education, or possibly other agencies. The goals and purposes of the Commission could be re-examined, as well as reconsidering the resources available to accomplish them. A study would provide information as to whether the Coordinating Commission for Postsecondary Education should be continued or terminated.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 141.

Introduced by Koch, 12th District.

PURPOSE: Tenure (LB 259)

The purpose of this resolution is to study legal provisions regarding tenure of teachers and administrators in public schools, Educational Service Units, and Technical Community Colleges. A study will examine any unique needs of the different classes of public schools which may not be met with uniformly applied laws. Information would be provided to help determine the length of probationary period which would best serve the interests of schools and teachers. Related issues to be examined are procedures for terminating teachers to insure fairness while still providing flexibility in personnel management.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 142.

Introduced by Wiitala, 31st District.

PURPOSE:

The purpose of this resolution is to authorize the study of the Workmen's Compensation Act, particularly 1) in regard to adequacy of reimbursement to injured employees in light of the number of dependents he or she may have, 2) the minimum and maximum allowable weekly benefits in comparison to those of other states, and 3) the appropriateness of amounts of compensation listed in 48-121, Revised Statutes Supplement, 1980.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 115. Read. Considered.

LR 115 was adopted with 35 ayes, 0 nays, and 14 not voting.

LEGISLATIVE RESOLUTION 116. Read. Considered.

LR 116 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 79. Read. Considered.

SPEAKER MARVEL PRESIDING

Mr. Chambers moved LR 79 be referred to a committee of the Legislature for a public hearing.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Chambers requested a roll call vote on his motion.

Voting in the affirmative, 20:

Beutler
Burrows
Chambers
Cullan
Fitzgerald
Fowler
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Pirsch
Sieck
Stoney
Vickers
Wiitala

Voting in the negative, 25:

Barrett
Beyer
Carsten
Chronister
Clark
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Maresh
Marvel
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Von Minden
Wagner
Warner

Excused and not voting, 3:

Cope
DeCamp
Higgins

Absent and not voting, 1:

Wesely

The Chambers motion lost with 20 ayes, 25 nays, 3 excused and not voting, and 1 absent and not voting.

MR. CLARK PRESIDING

The Chair declared the Call raised.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Koch offered the following amendment:
1st Whereas after development; insert Agriculture

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Koch amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Newell moved to lay over L.R. 79 until a date certain. The last day of the Session.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Newell moved for a Call of the House. The motion lost with 14 ayes, 17 nays, and 18 not voting.

The Newell motion lost with 11 ayes, 25 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Newell moved to indefinitely postpone LR 79.

Mr. Newell asked unanimous consent to withdraw his motion. No objections. So ordered.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a roll call vote to adopt LR 79.

Voting in the affirmative, 26:

Barrett
Beyer
Carsten
Chronister
Clark
Cullan
Dworak
Fenger
Goll
Goodrich
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Maresh
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner

Voting in the negative, 15:

Beutler
Burrows
Chambers
Fitzgerald
Fowler
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Wiitala

Present and not voting, 4:

Haberman
Marvel
Remmers
Vickers

Excused and not voting, 4:

Cope	DeCamp	Higgins	Wesely

LR 79 was adopted with 26 ayes, 15 nays, 4 present and not voting, and 4 excused and not voting.

MOTION - Rule Change

Mr. Newell offered the following rule change:
Amend Rule 4, Section 8 as follows:
Strike original contents and insert
Sec. 8 Reference to Committee. Resolutions other than those covered by Secs. 2 and 3 of this rule shall be referred by the Reference Committee to an appropriate standing or special committee for public hearing if 5 members request that the resolution be referred to a committee.

Referred to the Rules Committee.

ATTORNEY GENERAL'S OPINION

Opinion No. 90
May 7, 1981

Dear Senator Chambers:

This is in reply to your inquiry concerning the applicability of the Nebraska State Bar Association Disciplinary Rules to lawyers who are also public officials.

Disciplinary Rule 8-101 of the Model Code of Professional Responsibility of the American Bar Association which has been adopted by the Supreme Court of Nebraska to govern lawyers admitted to practice in Nebraska, provides:

(A) A lawyer who holds public office shall not:

(1) Use his public position to obtain, or attempt to obtain, a special advantage in legislative matters for himself or for a client under circumstances where he knows or it is obvious that such action is not in the public interest.

(2) Use his public position to influence, or attempt to influence, a tribunal to act in favor of himself or of a client.

(3) Accept any thing of value from any person when the lawyer knows or it is obvious that the offer is for the purpose of influencing his action as a public official.

While you have not set forth the specific type of conduct involved, we are satisfied that a lawyer-public official could also engage in conduct which would violate other specific rules of the Model Code such as, for example, DR1-102(A) "A lawyer shall not: . . . (4) Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation."

In State ex rel. Nebraska State Bar Association v. Cook, 194 Neb. 364, the respondent was found guilty of misconduct in the form of perjury while he held the position of Chairman of the Securities and Exchange Commission. In regard to the subject of the present inquiry, the Supreme Court of Nebraska stated:

> An attorney may be subjected to disciplinary action for conduct outside the practice of law or the representation of clients, and for which no criminal prosecution has been instituted or conviction had, even though such conduct might be found to have been illegal. State ex rel. Nebraska State Bar Assn. v. Tibbels, 167 Neb. 247, 92 N.W.2d 546; State ex rel. Nebraska State Bar Assn. v. Butterfield, 169 Neb. 119, 98 N.W.2d 714.

If you wish to make a specific complaint, we direct you to the Counsel for Discipline of the Nebraska State Bar Association since this office is not authorized to act in said matters until after a formal charge has been filed with the Supreme Court of Nebraska and the Supreme Court has appointed this office to represent the Bar Association.

The Counsel for Discipline is located at 1019 Sharp Building, Lincoln, Nebraska 68508, in care of Dennis Carlson.

Hoping this will be of assistance to you, we are,

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:jmf
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 143.

Introduced by Pirsch, 10th District.

PURPOSE:

There is an increasing number of crimes being committed with the use of a handgun. Although many are charged with a felony, it is thought that often charges are plea bargained to a misdemeanor. The purpose of this study is to explore the crimes committed with a handgun, the amount of plea bargaining which takes place in these cases, and the possibility of drafting a bill which would set a mandatory sentence on all persons using a handgun in the commission of a crime and eliminating plea bargaining in those cases.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 144.

Introduced by Goodrich, 20th District.

PURPOSE: The purpose of this resolution is to study the Colleges of Engineering and Technology at the University of Nebraska at Omaha and at Lincoln, including their programs, instructional methods, and staff.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 145.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Schmit, 23rd District; Labedz, 5th District; Haberman, 44th District; Clark, 47th District; Landis, 46th District; Fitzgerald, 14th District.

WHEREAS, the concepts of multibank holding companies and other forms of branch banking have often been considered by the Nebraska Legislature; and

WHEREAS, the concepts of multibank holding companies and branch banking by commercial banking institutions are currently limited by law in Nebraska; and

WHEREAS, savings and loan associations, credit unions, and other financial institutions are subject to less restrictions on the number of facilities and appear to have an advantage in competition with commercial banks;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, FIRST SESSION:

1. That the Legislature's Banking, Commerce and Insurance Committee conduct an interim study of the banking structure in Nebraska.
2. That the Committee's study shall include, but not be limited to, examining concepts relating to multibank holding companies and branch banking.
3. That the Committee report its findings and recommendations, if any, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 146.

Introduced by Koch, 12th District.

WHEREAS, in 1979 the Legislature directed the Tax Commissioner to develop standardized appraisal manuals "to assure the determination of actual value on a consistent basis...and the equalization of values" of lands and improvements; and

WHEREAS, the following year the Legislature mandated that such manuals be used to value all taxable real property in the state as of January 1, 1981, with assessments to be completed by April 1, 1981; and

WHEREAS, although this deadline has passed, it has been reported that revaluations have not been completed in perhaps one half of the state's counties; and

WHEREAS, the failure of those counties to complete their revaluations as required by the Legislature will lead to continued inequity in the imposition of property taxes; and

WHEREAS, the timetable established by the Legislature for the equalization of property assessments was reasonable and not an impossible goal, as witnessed by the fact that various county assessors and their staff have completed the revaluation for their counties on schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Legislature recognizes those county assessors and their staff for the responsible exercise of their duties in carrying out the provisions of state law for the systematic revaluation of property.

Laid over.

LEGISLATIVE RESOLUTION 147.

Introduced by Fitzgerald, 14th District; Labedz, 5th District.

PURPOSE:
To conduct an interim study of the adequacy and practical accessibility of procedures in Chapter 48, Article 8 of the Nebraska Statutes for resolution of disputes between public employers and employees. The study shall focus upon the current procedures available through the Commission of Industrial Relations for enforcement of the statutory rights and obligations of the parties and whether they sufficiently provide prompt resolution of disputes without placing an undue burden of litigation costs upon the parties. In particular, the remedies available in cases of failure to negotiate in good faith, discrimination based on affiliation with a labor organization, and other unfair labor practices shall be examined.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 148.

Introduced by DeCamp, 40th District.

PURPOSE:
To undertake a study of Nebraska's three-year-old product liability laws, their effect on Nebraska manufacturers, out-of-state manufacturers, and Nebraska consumers. The study shall examine:

1. The tort litigation system;
2. Manufacturing practices;
3. Liability insurance rate-making procedures; and

4. The utility of existing statutes of limitation and repose.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 149.

Introduced by Higgins, 9th District; Labedz, 5th District; DeCamp, 40th District.

PURPOSE:

The purpose and intent of this study is to conduct a comprehensive review of all Nebraska statutes providing for the bonding of persons, professions, trades, corporations, businesses, associations, and all other entities engaged in commerce to determine whether:

1. Present bonding laws are adequate or need to be updated in order to fulfill original legislative purposes;
2. Certain bonding provisions should be repealed;
3. Additional bonding provisions need to be enacted into law;
4. A Uniform Bonding Act, or in the alternative, further uniformity among statutes may be feasible.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 150.

Introduced by Wesely, 26th District.

PURPOSE:

The purpose of this study shall be to study the feasibility of a Constitutional Amendment to 1) abolish the office of State Treasurer and 2) place the State Auditor's Office under the control of the Legislature and 3) determine the framework for the Auditor's Office that would facilitate the greatest degree of public accountability. Twenty-four other states currently place control of the Auditor under the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 151.

Introduced by Wesely, 26th District.

PURPOSE:

The purpose of this study is to examine motor vehicle registration and taxation statutes. Specifically, this study shall include an examination of:

1. any statutory changes necessary to prohibit residents from registering motor vehicles in other counties for the purpose of tax avoidance; and
2. any statutory changes necessary to permit a municipality to assess a wheel tax on motor vehicles owned and used by non-residents to commute to work at the municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 152.

Introduced by Haberman, 44th District.

PURPOSE:

To undertake a study of law enforcement problems in small cities and villages in Nebraska. The study shall focus on the ability of small cities and villages to obtain and retain qualified law enforcement officers. The study should review the impact of mandatory law enforcement officer training on such cities and villages.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 153.

Introduced by Beutler, 28th District.

PURPOSE:

Allow Early Advancement of Qualifying High School Students to Higher Education.

Many high school students who have completed the graduation requirements for secondary education before their senior year would be better served if allowed to forego their final year of high school education in favor of technical community college, state college, or university study. The graduation requirements of secondary schools should be designed to insure each student has reached a certain level of achievement. The time frame allowed to reach the goal is necessarily broad to accomodate a wide range of individual learning speeds. However, some students advance rapidly through those requirements, and could spend their senior year more profitably in an educational environment which more seriously challenge their intellectual capacities or more directly addressed their career goals. By allowing such students to make use of higher education institutions, the high schools would be relieved to some degree of the burden of having to offer college level technical and academic courses for them. Additionally, the state's limited resources for educational purposes would be more efficiently put to use by avoiding duplication of services. The intent of this study proposal is to ascertain whether a transfer plan allowing a qualified student to spend his or her senior year in a post-secondary setting would be feasible. The study should address the projected impact on affected secondary and post-secondary schools, the nature of minimum graduation requirements and minimum admission requirements imposed by Nebraska schools, and the type of financial and administrative service required to initiate and manage the program. The proposal is not intended to merely allow early graduation from high school, but to encourage transfer to existing institutions for higher education when a student would be better served by such a transfer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 154.

Introduced by Fowler, 27th District.

PURPOSE:

To study the feasibility of returning the statue of William Jennings Bryan, currently located at the former Bryan home in Lincoln, to a site on the grounds of the Nebraska State Capitol.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 155.

Introduced by Agriculture and Environment Committee: Schmit, 23rd 23rd District, Chairperson; Wiitala, 31st District; Remmers, 1st

District; Wagner, 41st District; R. Peterson, 21st District; Burrows, 30th District; Maresh, 32nd District; Nichol, 48th District.

PURPOSE:
The purpose of this resolution is to provide for the review of all matters leading to and possibly supporting introduction in the next legislative session of legislation authorizing the State of Nebraska to enter into a compact with states in the midwest region for the purpose of facilitating development and operation of a proper low level radioactive waste disposal facility.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture and Environment Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 156.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairperson; Burrows, 30th District; Maresh, 32nd District; Wiitala, 31st District; R. Peterson, 21st District; Wagner, 41st District; Nichol, 48th District; Remmers, 1st District.

PURPOSE:
The purpose of this resolution is to give guidance to the Agriculture and Environment Committee in its interim activities when dealing with the many issues of crucial importance to agriculture in the State of Nebraska.

Among matters of great concern to agriculture in Nebraska and the areas to which the committee should direct its activities, are:

1. The role of agriculture in Nebraska's economy and the impact of the national economy on Nebraska agriculture.
2. The impact of the scarcity, availability and cost of credit upon Nebraska agriculture.
3. The relationship between irrigation and agriculture in the state.
4. The impact of rapidly increasing energy costs on agriculture in Nebraska.
5. The impact of various conservation practices on agriculture in the state.

6. The impact of water policy planning on agriculture in Nebraska.
7. The effects of land-use planning and the power of eminent domain on agriculture.
8. The relationship between various environmental issues and the role of agriculture in Nebraska and other states.

The committee which founded the gasohol program shall continue to monitor the development and implementation of gasohol activities in Nebraska and other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 252. Mr. Sieck renewed the Vickers-Sieck pending amendment found in the Journal on page 1773 and considered on page 1837.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Vickers moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Vickers requested a roll call vote.

Voting in the affirmative, 20:

Carsten
Chambers
Clark
Cullan
Hoagland
Johnson, V.
Kahle
Kilgarin
Kremer
Landis
Maresh
Marvel
Newell
Nichol
Pirsch
Sieck
Vickers
Von Minden
Warner
Wiitala

Voting in the negative, 22:

Barrett
Beutler
Beyer
Burrows
Chronister
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Johnson, L.
Koch
Labedz
Lamb
Peterson, H.
Peterson, R.
Remmers
Rumery
Stoney
Wagner

Present and not voting, 2:

Goodrich
Marsh

Excused and not voting, 4:

Cope
DeCamp
Higgins
Wesely

Absent and not voting, 1:

Schmit

The Vickers-Sieck amendment lost with 20 ayes, 22 nays, 2 present and not voting, 4 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Messrs. Schmit and L. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER MARVEL PRESIDING

Messrs. Lamb and Wagner asked unanimous consent to withdraw their pending amendment found in the Journal on page 1801. No objections. So ordered.

Messrs. Beutler and Wagner offered the following amendment:
1. On page 6, strike lines 1-6 and insert:
"Sec. 5. The Legislature finds, recognizes, and declares that the transfer of water to outside the boundaries of a river basin can have substantial impacts on the water and other resources in the basin and that such impacts differ from those caused by uses of water within the same basin in part because any unused water will not be returned to the stream from which it is taken for further use in that river basin. Therefore the Legislature recognizes the need to delineate factors for consideration by the Director of Water Resources when evaluating an application made pursuant to section 46-233 which involves an interbasin transfer of water in order to determine whether denial of

such application is demanded by the public interest. Those considerations shall include, but not be limited to, the following factors:

Mr. Kremer offered the following amendment to the Beutler-Wagner amendment:
In line 4, strike "can" and insert "may" and strike "substantial".

The Kremer amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The Beutler-Wagner amendment, as amended, was adopted with 30 ayes, 1 nay, 12 present and not voting, and 6 excused and not voting.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Advanced to E & R for Engrossment with 25 ayes, 9 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 296A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 470. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 501. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 428. E & R amendments found in the Journal on page 1725 for the Seventy-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 99. E & R amendment found in the Journal on page 1725 for the Seventy-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 361. E & R amendments found in the Journal on page 1726 for the Seventy-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 228. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 369. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 310. E & R amendments found in the Journal on page 1772 for the Seventy-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 497. E & R amendment found in the Journal on page 1772 for the Seventy-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 250. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 70. E & R amendments found in the Journal on page 1772 for the Seventy-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 181. E & R amendments found in the Journal on page 1809 for the Seventy-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 396. E & R amendments found in the Journal on page 1810 for the Seventy-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 543. E & R amendments found in the Journal on page 1810 for the Seventy-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 316. E & R amendments found in the Journal on page 1811 for the Seventy-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 441. E & R amendment found in the Journal on page 1811 for the Seventy-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 224. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 485. E & R amendments found in the Journal on page 1811 for the Seventy-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 303. E & R amendment found in the Journal on page 1815 for the Seventy-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 322. E & R amendment found in the Journal on page 1816 for the Seventy-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 411. E & R amendments found in the Journal on page 1816 for the Seventy-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 529. E & R amendments found in the Journal on page 1816 for the Seventy-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 529A. Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 157.

Introduced by Schmit, 23rd District.

PURPOSE:

The purpose and intent of this interim study resolution is to examine the financial and tax problems confronting the horse racing industry, resulting from a number of economic factors, which have a detrimental impact on the economic well-being of owners, breeders, trainers, and the industry in general. The Legislature and the State of Nebraska needs to be aware of the current and future needs of the horse racing industry and its impact upon and relationship with agriculture and the state's economy in general.

Necessary information must be derived to properly analyze the existing tax structure relating to the horse racing industry in order to effectuate its survival and development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 158.

Introduced by Hoagland, 6th District.

PURPOSE:
To study alternative methods of organization and structure for governing Nebraska's postsecondary school institutions.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 159.

Introduced by Hefner, 19th District.

PURPOSE:
To examine existing election procedures relating to initiative, referendum and recall. Specifically, the study should examine the manner in which such elections are structured, the expense incurred and the possibility of enhancing this election process. Recently, there has been a number of recall petitions as well as initiative efforts. These occurrences should be examined and their results analyzed for the purpose of this study.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Miscellaneous Subjects Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 160.

Introduced by Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Fenger, 45th District; Barrett, 39th District; Beyer, 3rd District; Von Minden, 17th District; Cullan, 49th District; Fitzgerald, 14th District; Newell, 13th District.

PURPOSE:

To undertake a study and evaluation of the Nebraska Political Accountability and Disclosure Commission and Act. The study's examination shall include a review of LB 101, LB 482, LB 368 and LB 134 and any amendments offered thereto, or any other alternatives. The Committee shall, on or before January 1, 1982, provide proposed legislation clarifying the Legislature's intent and policy regarding political accountability and disclosure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 161.

Introduced by Sieck, 24th District; H. Peterson, 38th District; L. Johnson, 15th District.

PURPOSE:

The cost of all utilities have been increasing due to fuel costs and inflation and there are indications that the costs will continue to escalate. When utility bills are not paid by all customers, revenue must be recovered from other customers and when meters are tampered with, the lost revenue must similarly be recovered. The purpose of this resolution is to provide that a committee study the problem of unpaid utility bills to determine if legislation is needed, including legislation which encourages payment of utility bills by placement of a lien on the property on which the utility installation is located. The committee should also study the problem of tampering with electricity meters and other utility meters to determine the extent of the problem and if legislation is needed to alleviate it.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 162.

Introduced by Cullan, 49th District.

PURPOSE:

To examine existing retail alcoholic beverage regulations and retail licensing structure in the State of Nebraska. This study would examine all elements of the existing retail regulatory scheme and the applicable statutes relating to retail liquor licenses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Miscellaneous Subjects Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 163.

Introduced by Landis, 46th District; Beutler, 28th District; Wesely, 26th District.

PURPOSE:

The purpose and intent of this interim study resolution is to examine the eligibility for homestead exemptions for the disabled based on income. The study should address sections 77-3506 through 77-3509, Revised Statutes of Nebraska, Cumulative Supplement, 1980. It should consider the equity of existing homestead exemption laws and the application of income eligibility standards similar to those included in the proposed Landis-Peterson amendment to LB 478 and should study the definition of disabled as used in Section 77-3508.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a standing committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the full Legislature.

Referred to the Executive Board.

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 435. Placed on General File as amended.
Standing Committee amendments to LB 435:
Req. #2355

1. On page 3, line 6, after "authorities" insert ", except that cities of the metropolitan class shall not create or participate in joint housing authorities".

2. On page 6, line 6, after the period insert "No joint housing authority shall establish any new project within the area of operation of any other housing authority without the consent of such other housing authority.".

3. On page 10, line 10, strike "and"; in line 13 strike the period, show as stricken, and insert "; and"; and after line 13 insert:

"(20) Instrumentality shall mean a nonprofit corporation created by a housing authority solely for the purpose of administering housing under section 8 of the United States Housing Act of 1937, as amended.".

4. On page 14, line 14, strike "; Provided, where", show as stricken, and insert ". In the case of cities of the metropolitan class at least one commissioner shall be a member of a racial minority. Where".

5. On page 22, strike beginning with the first comma in line 5 through "income" in line 9.

6. On page 23, strike beginning with the first comma in line 5 through "receive" in line 6 and insert "or give"; strike beginning with "but" in line 19 through "of" in line 21; and in line 22 after the comma insert "the Federal Farm Credit Bank,".

7. On page 26, line 3, strike "federal legislation" and insert "section 8 of the United States Housing Act of 1937, as amended"; in line 4 after

"instrumentalities" insert ", as defined in subdivision (20) of section 71-1522,"; and strike beginning with "For" in line 8 through "any" in line 17 and insert "Any".

8. On page 27, strike the new matter in lines 1 and 2 and insert "public agency, the federal".

9. On page 28, lines 16 through 25 strike the new matter and reinstate the stricken matter.

10. On page 35, strike line 16; in line 17 strike "an" and insert "(4) An"; in line 18 after "with" insert "federal and state laws and regulations and"; and in lines 25 and 26 strike ", clear, and physical" and insert "and clear".

11. On page 37, line 5, strike "and no" and insert "except that any proceeds from the disposal of such personal property shall be paid to the general fund of the body which created the authority. No".

12. Strike original section 13.

13. On page 42, strike beginning with "or" in line 22 through "necessary" in line 23.

14. Strike the new matter on pages 43 and 44.

15. On page 45, line 10, strike "or other obligations"; in lines 17 through 20, 24, and 26 strike the new matter and reinstate the stricken matter; and in line 27 strike "otherwise".

16. Strike original section 16.

17. On page 50, after line 27 insert "or the federal government if the bonds are secured by any contract right pursuant to a contract between the transferring authority and the federal government,".

18. On page 53, line 18, after the period insert "Such report shall include all mortgages and other interests in real property held by the housing authority, including options to purchase and land sale contracts; a listing of all bonds and their essential terms and obligations; and all other financial obligations of the housing authority over fifty thousand dollars. Such reports shall be considered public records. If there has been no change from the last report in the status of any of the items reported pursuant to this section a housing authority may file a statement to that effect in lieu of the report..

19. On page 54, line 13, after the period insert "The procedures set forth in this subsection shall not be applicable to any claim against an authority, if the authority shall advise the claimant in writing that the liability of the authority for such claim, if any, is covered by insurance in whole or in part.".

20. On page 55, strike the new matter in lines 6 through 16; and in lines 17 and 20 strike the new matter

and reinstate the stricken matter.

21. Strike original section 21.

22. On page 64, line 27, strike "71-1541," and strike "to 71-1545" and insert ", 71-1544".

23. On page 65, line 2 strike "sections" and insert "section", and strike "and 77-2704".

24. Renumber remaining sections accordingly.

(Signed) David Landis, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 91
May 7, 1981

Dear Senator Beutler:

In your letter of May 4, 1981, you raise several questions concerning amendments to LB 134 which generally proposes changes to the Nebraska Political Accountability and Disclosure Act and which is now before the Legislature for consideration.

You first inquire as to our opinion of the constitutionality of an amendment to LB 134 which would add a new subparagraph (4) to Neb.Rev.Stat. § 49-1434 (1980 Supp.). You inform us that this new subsection to the section defining lobbyists would provide an additional definition for the term lobbyists as ". . . Any person except a political candidate or candidate campaign committee who solicits funds or supports, collects dues or expends money when such solicitation, collection or expenditure is in excess of one thousand dollars and such person uses such funds to influence any political issue within the State of Nebraska."

Our first concern is a practical one. By placing this new definition at the end of presently existing Neb.Rev.Stat. § 49-1434 (1980 Supp.), it would follow the exceptions to the term lobbyist presently contained in subparagraphs (3) (a) (b) (c) and (d). A question of construction arises as to whether or not a definition which follows subsection (3) is covered by the exemptions contained therein. Perhaps this is a matter which should be clarified by the Legislature itself.

Whether or not the exceptions contained in subparagraph (3) apply, may have great bearing on whether or not proposed subsection (4) can survive close constitutional scrutiny. Also of note is the fact that while this proposed amendment would concern the definition of the term "lobbyist" as amended, it would appear to conflict with the definition of the term "lobbying" which is set forth in Neb.Rev.Stat. § 49-1433 (Reissue 1978). Here again, an expression of legislative intent of the breath of this amendment would be most helpful in resolving any questions concerning this proposed language's constitutionality.

Assuming for the sake of discussion that it is the Legislatures intent that proposed subsection (4) not be subject to the exemptions contained in the present subsection (3) and that this language not be tempered by the definition of the term "lobbying" found in Neb.Rev.Stat. § 49-1433 (Reissue 1978), we will give consideration to the question of this language's constitutionality.

The leading case on this subject is the decision of the United States Supreme Court in Buckley v. Valeo, 424 U.S. 1, decided by that court in 1976. While this case directly concerned an attack upon the Federal Election Campaign Act of 1971, the court's analysis of the questions presented there, are most instructive on the questions raised by your inquiry. In reading this decision, it is evident that the United States Supreme Court drew a distinction between restrictions on an individual's right to expend money personally on behalf of a candidate or a cause, and restrictions on an individual donating money to a candidate or a candidate's committee, where the candidate or committee is free to expend monies in any manner they see fit. The court appeared to be more concerned with protecting one's right to individualistic political expression than to his unfettered right to make contributions generally to political candidates.

At the outset of their opinion, the court announced that even a significant interference with protected rights of political association, may be sustained if the state demonstrates a sufficiently important interest and employs means closely drawn to avoid unnecessary abridgment of associational freedoms guaranteed by the First Amendment to the Constitution of the United States.

The court did caution however, that the First Amendment affords the broadest protection to such political expression in order "to assure [that] unfettered interchange of ideas for the bringing about of political and social changes desired by the people." Buckley v. Valeo, supra, at 424 U.S. 14.

In that case they did find unconstitutional, certain restrictions on limitations on individuals' political expenditures although they did uphold portions of the federal act which required reporting and disclosure of political expenditures and activities. In upholding such requirements, however, they did state that they had long recognized that significant encroachments on First Amendment rights by compelling disclosure, could not be justified by a mere showing of any governmental interest. The court stated: ". . . We have required that the subordinating interests of the state must survive exacting scrutiny. We have also insisted that there be a 'relevant correlation' or 'substantial relation' between the governmental interests and the information required to be disclosed." [Citations omitted] Buckley, supra, at 424 U.S. 64.

The court did go on to set forth some of the governmental interests which might survive this close constitutional scrutiny. First, they suggested that disclosure provides the electorate with information as to where political campaign monies come from and how it is spent by the candidates which assists the voters in evaluating those who seek elected office. As the court suggested, this allows the voters to place each candidate in the political spectrum more precisely than is often possible solely on the basis of party labels and campaign speeches. Buckley v. Valeo, supra, at 65.

Secondly, the court suggested that disclosure requirements deter actual corruption and avoid the appearance of corruption by exposing large contributions and expenditures to the light of publicity. The court suggested that this exposure may discourage those who would use money for improper purposes either before or after the election. Buckley v. Valeo, supra, at 65.

Finally, the court suggested that the record which is possible through reporting requirements is an essential means of gathering the information necessary to detect violations of contribution limitations which they held to be constitutionally valid.

Therefore, it would appear as though expanded reporting or disclosure requirements created by the broadened definition of the term lobbyist would be held constitutionally valid if the Legislature expressed an intent to promote such governmental interests. We are not aware at this time of any such declaration having been made by the Legislature. It is, therefore, difficult for us to assess the constitutionality of this proposed amendment without knowing whether or not the Legislature intends to advance and promote such interests. It does appear with certainty however, that in the event either the Legislature did not intend to advance such interest or in the event the means taken by it to accomplish those results, were not closely drawn to some other valid intentions and did unncessarily therefore abridge associational freedom, the provision would no doubt fail. Buckley v. Valeo, supra, at 25.

You next inform us of an amendment to LB 134 which would as you indicate, require the campaign statements of political committees to disclose "the value of services provided without compensation by any individual who volunteers to provide services on behalf of a candidate or political committee for more than twenty hours during a year." You ask us to consider whether or not such a provision has an overriding governmental purpose in view of the First Amendment rights, and whether or not it would have a chilling affect on the exercise of these rights and privileges and direct our attention to the decision previously discussed in Buckley v. Valeo.

It is not within our power to declare for what purpose legislation is enacted, or in this case proposed, that being solely the duty of the Legislature. However, we would suggest that unless there was an avowed legislative intent such as discussed above, such a provision most likely would not survive close constitutional scrutiny.

You next call our attention to a proposed amendment to LB 134 concerning a proposed change in what is now Neb.Rev.Stat. § 49-1490 (1980 Supp.), and which would provide that the furnishing of transportation by a lobbyist or his principle to a public official in connection with his or her official duties would not be a prohibited gift. You specifically ask whether or not the solicitation or receipt of such transportation would be violation of a senator's oath of office. The oath of office in question is found in Article XV, Section 1, of the Constitution of the State of Nebraska and provides as is pertinent to inquiry: ". . . I . . . have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, . . . for any official act or influence. . . ." Although not specifically raised by you, we also have concerns over the language found in Article III, Section 7, of the Constitution of the State of Nebraska which is pertinent here: ". . . Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, ..."

At the outset of our examination, it is not clear to us whether or not it is the legislative intent to authorize casual transportation by a lobbyist of a senator or whether this would include such things as providing a car to a senator during a legislative session, or perhaps even between sessions.

We have been of the opinion previously at least with respect to Article III, Section 7, of the Nebraska Constitution that a senator when travelling on official legislative business, such travel having been expressly authorized by the Legislature or the Legislative Counsel, and such travel being at the direction of the Legislature, incurs expenses on behalf of the Legislature, and reimbursement thereof to the particular senator does not violate this constitutional prohibition. Report of the Attorney General, No. 178, Dated January 30, 1978. Therefore, if such transportation were provided by a lobbyist under these conditions, such would no doubt not constitute a violation of Article III, Section 7. The question nevertheless remains as to whether or not the senator would be receiving some ". . . other valuable thing from . . . [any] person . . . for any official act or influence . . . ." for any vote that senator might give or withhold, and therefore be in violation of Article XV, Section 1, of the Constitution of the State of Nebraska. It would appear to us that in order to have a violation of this constitutional section, the senator would have to have an intent to let the act of the furnishing of transportation influence his vote and while under Buckley v. Valeo, such activity could no doubt be prohibited as constituting an appearance of impropriety, we do not believe that the direct authorization of such, if it meets the requirements of being done on official legislative business would constitute a violation of either the senator's oath of office or Article III, Section 7, of the Constitution of the State of Nebraska. It may also be that this would be a matter exclusively for the Legislature to determine under Article III, Section 10, of the Nebraska Constitution.

Finally, you call to our attention an amendment to LB 134 which would provide that no registered lobbyist might purchase or be solicited to purchase tickets for political campaign fund raising activities. As you observe, it appears that this provision would prohibit a lobbyist from making any political contributions by means of purchasing a ticket for any political campaign fund raising activities.

In Buckley v. Valeo, supra, as pointed out above, the United States Supreme Court drew a distinction between limitations on direct individual political expenditures and contributions to candidates or candidates' campaign committees. They appeared to be suggesting that a state would have to meet a much higher burden in order to restrict or eliminate direct political expenditures, however, the burden might be slighly less where contributions are concerned.

Even so, as with reporting disclosure requirements, the court suggested that the state would have to establish strong and compelling state interests in order for such restrictions to be upheld. Here again, inasmuch as the Legislature has not yet considered, much less enacted such a proposal, it is impossible for us to speculate as to the interests the Legislature intended, or may intend to further by the enactment of such a prohibition. We would suspect that if the Legislature were to enact such a prohibition based upon governmental interests as are set out in response to your first question above, that most likely such a restriction would survive constitutional scrutiny.

As is apparent from our analysis, the constitutionality of much of that which we discussed, will be dependent upon the purpose for which these restrictions and requirements are proposed. For that reason and for the reason that you have indicated a desire to have our response as quickly as possible, we have not been able to give these matters the exhaustive analysis they require.

Additionally, it is difficult to speculate as to how our Supreme Court or a Federal Court might view these particular questions given the fact that it is apparent from reading the decisions from other lower courts that each review of each individual restriction has been accomplished on a case by case basis.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:ekj
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Wagner asked unanimous consent to print the following amendment to LB 302 in the Journal. No objections. So ordered.

On line 24 of the Standing Committee Amendments, strike "~~megavolts~~" and add "kilovolts".

VISITORS

Visitors to the Chamber were 48 fourth grade students, teachers, and sponsors from West Point Public School, West Point; 28 eighth grade students, teachers, and sponsors from Holy Name Grade School, Omaha; 38 students and teachers from Wolbach; Greg and Cindy Hall; Mr. and Mrs. Clark Weckbach, Alfred Burson, and Laverne Johnson from Ord; Dennis Costello; 14 seventh and eighth grade students, teacher, and superintendent from Milligan; 33 students, teachers, and sponsors from East Butler, Brainard; Senator Chronister's son and daughter-in-law, Mark and Jane Chronister, and their daughter, Angela, from Minneapolis, Minn.; Mr. and Mrs. Tom Plummer, Jr. and daughter, Kerri, from Ogallala, and their guest, Paul Cramer, from Australia.

RECESS

At 12:07 p.m., on a motion by Mr. Clark, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:37 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Cope, Schmit, and Mrs. Higgins who were excused; and Messrs. DeCamp, Fowler, Goodrich, L. Johnson, Lamb, Landis, Newell, Wesely, and Mrs. Marsh who were excused until they arrive.

ATTORNEY GENERAL'S OPINION

Opinion No. 92
May 6, 1981

Dear Senator Warner:

You have asked whether the committee amendment to LB 556 is constitutional. It provides that special abortion coverage "shall" be offered to a state employee covered under a group health insurance program pursuant to §§44-1620 to 44-1632, with the cost of such abortion coverage to be borne solely by such employee. As discussed below, we have concluded this raises no constitutional problem not already present in the intent of the Legislature expressed in Laws 1980, LB 1004, section 22. (We could not assure you in Attorney General's Opinion No. 282 (April 17, 1980) that that provision was constitutional, but said it probably was.)

Abortion is a legitimate medical procedure. It would be covered by any group health policy for state employees covering medical procedures if not otherwise exempted. See, Roe v. Wade, 410 U.S. 113 (1973), Neb.Rev.Stat. §§44-1615, 44-1620, 44-1623 (Reissue 1978). It is not a "special benefit" which "may" be provided under Neb.Rev.Stat.§§ 44-1625 and 44-1626 (Reissue 1978) at the expense of the employee.

Consistent with the intent of the Legislature expressed in Laws 1980, LB 1004, section 22, the amendment to LB 556 would put abortions in a less-favored position than other medical procedures because the state would not be paying any part of the premium for the abortion coverage. To be constitutional such a classification must be based on some reason suggested by such a difference in the situation and circumstances of the subjects placed in different classes as to disclose the necessity or propriety of different legislation in respect to them. See, Galloway v. Wolfe, 117 Neb. 824, 826 (1929).

The Court in Maher v. Roe, 432 U.S. 464 (1977), and Harris v. McRae, 448 U.S. __ (1980), recognized the right of the state to favor childbirth over abortions by funding childbirth but not funding abortions. However, we are not aware of any comparable support favoring medical procedures other than childbirth over abortion unless it is the fact that the Court in Planned Parenthood of Central Missouri v. Danforth, 428 U.S. 52 (1976), upheld the requirement for written consent from one seeking an abortion even though it did not characterize prior written consent to surgery as the universal practice of the medical profession.

You have also asked if that amendment would keep the state from entering into a contract with an insurance carrier for group health insurance for state employees if the insurance carrier does not or will not offer the special insurance coverage prescribed by this amendment. As discussed below, we have concluded that it will only if such coverage is not provided by another carrier.

Under Neb.Rev.Stat. §44-1622 (Reissue 1978), the Department of Insurance shall select one or more carriers of insurance to serve as administrator of the insurance contract or contracts. Neb.Rev.Stat. §44-1623 (Reissue 1978) makes provision for a contract for life insurance and a contract for group health insurance to be financed by the state to the extent that appropriations made for that purpose are available and, if necessary, by contributions from each employee. However, under Neb.Rev.Stat. §44-1625 (Reissue 1978) the group health insurance contract or contracts may permit the extension of special benefits.

Under the amendment to LB 556 it will be the state which will have the duty to make abortion coverage available to all state employees who choose it. Thus, if the state can find a carrier to provide this coverage, then it can contract for other group health insurance benefits with carriers who do not or will not offer abortion coverage.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

SELECT FILE

LEGISLATIVE BILL 326. E & R amendments found in the Journal on page 1578 for the Sixty-Eighth Day were adopted.

Mr. Beutler offered the following amendment:

(1)

1. On page 4, line 18, after "members" insert ", one to represent" and strike "with a demonstrated expertise"; in line 20, strike "groundwater" and insert "ground water"; strike starting with the underscored comma in line 23 through "interest" in line 25 and insert ". The member appointed to represent a given area of water interest shall have a demonstrated expertise in such area".

2. On page 5, in line 2, strike "act" and insert "section"; strike starting with "from" in line 4 through "appointee" in line 7 and insert ". Of the members appointed for terms starting January 1, 1982,"; strike starting with "the" in

line 10 through "term" in line 12 and insert "these appointees have served their terms, members shall be appointed for four-year terms"; strike starting with "Executive" in line 13 through "The" in line 16; strike starting with "from" in line 18 through "Board" in line 19; in line 19, before "The" insert "Sec. 6." and start a new paragraph; and in line 22, after "Legislature" insert "upon request".

3. On page 6, in line 3, after "providing" insert "upon request"; and in line 4, after "in" insert "the planning process by".

4. Renumber original sections 6 to 15 as sections 7 to 16, respectively.

The amendment was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Mr. Beutler offered the following amendment:

(2)

1. Strike original section 4.

2. On page 4, line 13, strike "also".

3. On page 6, strike beginning with "Interagency" in line 19 through "the" in line 20; in line 22 strike "they deem" and insert "it deems"; and in line 24 strike "They" and insert "It".

4. Renumber original sections 5 to 15 as sections 4 to 14, respectively.

The amendment was adopted with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

Mr. Kremer offered the following amendment:

(1)

1. On page 5, strike starting with "until" in line 2 through "term" in line 12 and all amendments thereto, and insert ". Of the members serving on the board on June 30, 1981, four shall be designated by the commission to serve until January 1, 1983, four until January 1, 1984, and three until January 1, 1985. As the terms of these members expire, succeeding members shall be appointed by the commission for three-year terms".

The amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Kremer offered the following amendment:

(2)

1. Add the emergency clause.

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Hoagland offered the following amendment:
Amend LB 326:
1. Strike original Sec. 5 and all amendments thereto.
2. On page 6, line 20, strike starting with "and" through "Board"; in line 22, strike "they deem" and insert "it deems"; and in line 24, strike "They" and insert "It".
3. On page 7, strike starting with "Members" in line 13 through line 15.

MR. CLARK PRESIDING

The Hoagland amendment lost with 10 ayes, 16 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 11A. Mr. Maresh offered the following amendment:
1. Add a new section:
"Section 2. There is hereby appropriated twelve thousand dollars from the Computer Services Revolving Fund for the period July 1, 1981 to June 30, 1982, to the Department of Agriculture, for Program 385, to aid in carrying out the provisions of Legislative Bill 11, Eighty-seventh Legislature, First Session, 1981. Total expenditures for permanent and temporary salaries and per diem from funds appropriated in this section shall not exceed $4,500."
2. Renumber original Section 2 as Section 3.

The amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 328A. Mr. Schmit renewed his pending amendment found in the Journal on page 1575.

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mrs. Pirsch offered the following amendment:
Adopt the Emergency Clause to LB 328A.

The amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 394. E & R amendments found in the Journal on page 1599 for the Sixty-Ninth Day were adopted.

Mr. Newell asked unanimous consent to withdraw his pending amendments (1) and (2) found in the Journal on page 1497. No objections. So ordered.

Mr. V. Johnson offered the following amendment:
Req. #2388

1. In the standing committee amendments (REQ 2240):

a. Insert the following new section:

“Sec. 5. That section 48-646, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-646. No individual claiming benefits shall be charged fees of any kind in any proceeding under sections 48-601 to 48-668 except as provided herein. Any individual claiming benefits in any proceeding before the commissioner or an appeal tribunal or his, hers, or its representative or a court may be represented by counsel or other duly authorized agent, and such counsel may either charge or receive for such services a reasonable fee to be approved by the commissioner. The commissioner may, in special cases, pay such fee from the Employment Security Administration Fund. The district court in any proceeding pursuant to such sections shall allow, in addition to any judgment awarded reasonable attorney's fees and other costs to be paid by the commissioner to a successful claimant or employer appealing from the decision of the appeal tribunal. The Supreme Court in any such proceeding appealed to it shall allow, in addition to any judgment awarded, reasonable attorney's fees and other costs to a successful claimant or employer to be paid by the commissioner when the commissioner appeals the decision of the district court. Any person who violates any provision of this section shall be guilty of a Class II misdemeanor.”.

b. On page 22, line 13, strike “48-649” and insert “48-646”.

2. In the Maresh amendments, REQ. 2324, page 1539 of the Journal:

a. On page 2, in line 23 after the first quotation marks insert a period; and strike beginning with the semicolon in line 23 through the period in line 24.

b. On page 2, line 26, strike "5 and 9" and insert "6 and 10".

3. Renumber remaining sections accordingly.

Mr. Wesely asked unanimous consent to be excused. No objections. So ordered.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Beutler
Burrows
Carsten
Chambers
Cullan
Fenger
Fitzgerald
Fowler
Hefner
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Maresh
Newell
Remmers
Rumery
Sieck
Vickers
Wagner
Wiitala

Voting in the negative, 13:

Barrett
Clark
Dworak
Goll
Lamb
Landis
Nichol
Peterson, H.
Peterson, R.
Pirsch
Stoney
Von Minden
Warner

Present and not voting, 6:

Beyer
Chronister
Goodrich
Haberman
Marsh
Marvel

Excused and not voting, 6:

Cope
DeCamp
Higgins
Johnson, L.
Schmit
Wesely

The V. Johnson amendment lost with 24 ayes, 13 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

MESSAGE FROM THE GOVERNOR

May 8, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Reengrossed Legislative Bills 35, 76, 327, and 331 were received in my office this week.

These bills were signed by me on May 8, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

RESOLUTIONS

LEGISLATIVE RESOLUTION 164.

Introduced by Newell, 13th District; Beutler, 28th District; Wesely, 26th District; Sieck, 24th District; Kahle, 37th District.

PURPOSE:

To study the Rules of the Nebraska Legislature as they pertain to the following issues:

(a) Limitation of the number of bills per session which can be introduced by a senator or committee;

(b) The present method of setting the agenda and proposals for alternate methods, if needed;

(c) Revision of the session meeting schedule to maximize time-use effectiveness within established time limits, and consideration of removal of constitutional time restrictions;

(d) Legislative committees;

(e) Interim studies;

Any additional areas of concern which the committee considers important to improve the work of the Legislature.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, FIRST SESSION:

1. That the Rules Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Rules Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 165.

Introduced by Wesely, 26th District.

PURPOSE:

The purpose of this resolution is to study the feasibility of reorganizing state regulatory activities relating to the building industry. The study would review state regulatory functions such as fire safety regulations, the manufactured housing code, the mobile home and recreational vehicles code, the state electrical code, the public access code for the handicapped, the elevator and boiler codes, and the energy efficiency standards. The study would focus on reorganizing administration of such regulations and codes and the need for additional state construction codes.

Specific points to be addressed shall include:

1) The need for centralization of state building code regulatory activities.
2) Present duplication of state regulatory functions relating to the building industry.
3) The need for additional statewide codes, including a building code, a mechanical code, and a plumbing code.
4) Identification of areas where the current state codes need to be updated or strengthened.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Committee shall appoint a task force of interested state and local officials, construction industry representatives, members of the construction trades, and the general public to develop information and recommendations for the Committee.
3. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 166.

Introduced by Beutler, 28th District.

PURPOSE:

A fundamental axiom of the State and United States Constitutions is equal access to the law by all citizens. For many citizens, the courts would be financially unaccessible except for the existence of the federal Legal Services Corporation. However, President Ronald Reagan's budget proposals delete all monies for that corporation, which currently funds three Legal Aid Societies in Nebraska and last year served 12,000 Nebraska citizens. The integrity and smooth functioning of our State and Local governments is dependent on continued access to the law by these citizens. However, the proper role of the State in assuring this access is not clear. There is a pressing need to determine that role promptly in light of the threatened termination of funds. Therefore, the Nebraska Legislature, in conjunction with the Legal Aid Societies of Nebraska, representatives of a Public Defender's Office, the Nebraska State Bar Association, the Office of the Attorney General, the Court Administrator's Office, and the Office of the Chief Justice of the Nebraska State Supreme Court, should conduct an interim study on that issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 167.

Introduced by Beutler, 28th District; Labedz, 5th District; Fowler, 27th District.

PURPOSE:

Consolidation of Separate Juvenile Probation Offices with Nebraska State Probation System.

Probation for adult offenders in Nebraska is supervised in all counties by the Nebraska State Probation System. Probation for juvenile offenders is also managed by the state system in all counties except those which maintain a separate juvenile court. In those counties, a separate juvenile probation program is also maintained. This system appears to create unnecessary duplication of resources and administrative tasks, and unnecessary confusion on the parts of those who deal with probation. Further, it places a burden on the taxpayers of those counties, who support with their own taxes not only the state system everyone else uses, but also their separate juvenile systems. LB 339, introduced this session, would mandate the merger of the county-level juvenile court probation systems with the statewide probation system. To assist in the determination of the desirability of such a bill, the following should be studied:

1. The types and costs of services provided by the separate juvenile systems and by the state system for juveniles.
2. The current inequities in taxpayer support of juvenile probation systems.
3. The cost to the state of merging the systems.
4. The areas of service in which duplication now exists, and a projection of the anticipated savings which would result from a merger.
5. The appropriate method of reconciling any possible inequities in the state and county systems are between employees of each upon merger.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 168.

Introduced by Koch, 12th District.

PURPOSE:

The purpose of this study is to explore the feasibility of providing potential funding for various public elementary and secondary education needs through a statutory enactment of punitive damages.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 169.

Introduced by Wesely, 26th District; Decamp, 40th District.

PURPOSE:

Governor Charles Thone has established the Governor's Task Force on Government Improvement. The task force has proposed recommendations for the improvement and reorganization of state government, many of which would require legislation to enact. Although legislation was introduced and passed implementing some of these recommendations, numerous task force recommendations remain to be considered by the Legislature. The purpose of this resolution is to provide for legislative review of the present recommendations of the task force and to establish an open and direct line of communication on any additional efforts of the task force. The study should be designed to develop cooperative efforts of the Governor, the task force, and the Legislature to achieve mutual goals for the improvement of state government.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a special committee of the Legislature shall be appointed by the Executive Board to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 170.

Introduced by Vickers, 38th District; Maresh, 32nd District.

PURPOSE:

There have been reports emanating from the business sector of Nebraska that large corporations are routinely delaying payment to small Nebraska businesses for services furnished or material delivered. This, due to the condition of the nation's economy, places a severe and unnecessary burden upon those small Nebraska businesses affected, especially those already experiencing cashflow difficulties. The purpose of this study is to 1) determine the scope of the problem and 2) identify possible legislative action which, if enacted, would serve to curtail the problem.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 499. E & R amendments found in the Journal on page 1621 for the Seventieth Day were adopted.

Mr. Landis renewed his pending amendment found in the Journal on page 1707.

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 404. E & R amendment found in the Journal on page 1645 for the Seventy-First Day was adopted.

Mr. Warner renewed his pending amendment, Req. #2347, found in the Journal on page 1614.

Mr. Cullan offered the following amendment to the Warner amendment:

"Section 7 page 7 line 21 strike "There is hereby created" and insert "Effective January 15, 1983, there is hereby created.""

Mr. V. Johnson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

The Cullan amendment lost with 16 ayes, 23 nays, 6 present and not voting, and 4 excused and not voting.

Mr. Warner moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Warner amendment was adopted with 25 ayes, 13 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Warner offered the following amendment:

1. Strike Standing Committee amendment 3.

2. In the Fowler amendments on pages 1521 and 1522 of the Journal, on page 1, line 5, strike "Nebraska Commission" and insert "Department"; and strike beginning with "approval" in line 26 through "commission" in line 27 and insert "advice of the Department on Aging Advisory Committee".

3. In the Warner amendments (Req. 2347):

(a) On page 2, line 22, strike "of" and insert "on";

(b) On page 3, line 19, strike "of" and insert "on";

(c) On page 4, line 8, strike "of" and insert "on"; and

(d) On page 5, strike lines 17 through 19 and show as stricken.

4. On page 8, after line 2 insert a new paragraph as follows:

"Each member of the Legislature shall receive a copy of the report required by subdivision (15) of this section by making a request for it to the director.".

The amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 171.

Introduced by Schmit, 23rd District; Wiitala, 31st District; Wagner, 41st District; Remmers, 1st District; Maresh, 32nd District.

PURPOSE:

The intent and purpose of this resolution is to provide for an interim review of the effects of a corporate structure of farm ownership and the economic and sociological impacts of such a structure on the surrounding community, the agricultural sector, and the general economy of the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 172.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairperson; Remmers, 1st District; Burrows, 30th District; Wiitala, 31st District; Wagner, 41st District; Nichol, 48th District; R. Peterson, 21st District; Maresh, 32nd District.

PURPOSE:

The purpose and intent of this resolution is to provide for an interim study of the practices and operations of the various Natural Resources Districts and their impacts and interrelationships with agricultural and environmental issues in the State of Nebraska. Nebraska's Natural Resources Districts were established more than ten years ago and are now completing their first decade of existence. The Legislature and the State of Nebraska need to be aware of the functions, roles, activities, and accomplishments of the Natural Resources Districts in soil erosion control and conservation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 173.

Introduced by Maresh, 32nd District; Kahle, 37th District.

PURPOSE:
The purpose of this resolution is to provide for an interim study of the cases and effects of the rising incidence of pseudorabies among swine in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 174.

Introduced by Newell, 13th District.

PURPOSE:
The purpose of this resolution is to study the state and federal highway systems and the effect of these systems on the growth and development of the metropolitan areas of this state. Also the study will examine areas in which city, county, state and federal cooperation in highways and mass transit will achieve coordinated and planned growth and development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 175.

Introduced by Newell, 13th District.

PURPOSE:

The purpose of this resolution is to study the problem of deteriorated areas of Nebraska cities and villages and to analyze the sufficiency of our present community development laws. In addition such programs as tax increment financing, Business Improvement District and federal programs that affect housing should be analyzed and evaluated.

Specifically, the study of state and federal housing programs and their effect on in-city in-fill and renovation of existing housing and, the Land Reutilization Authority as to their sufficiency in providing prompt payment of taxes on vacant land and their aid in returning such vacant land to production use.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 176.

Introduced by Newell, 13th District.

PURPOSE:

The purpose of this resolution is to study the effect of the present tax structure on community development and of tax incentives to encourage redevelopment of substandard areas in our cities and villages.

Specifically;

1) The expanding of the scope of Industrial Development Bonds to non-retail commercial offices, warehousing and other enterprises in "enterprise zones", substandard areas in need of development as defined by the Legislature.

2) The use of "Infrastructure Development District" for undeveloped areas within a city using special assessments to finance public improvements for both business and residential developments.

3) The feasibility of extending the use of "Community Improvement Financing" to Business Improvement Districts to simplify administration and expand it application to downtown and business areas large and small.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 177.

Introduced by Newell, 13th District.

PURPOSE:

The purpose of this resolution is to study the effects on the tax base and revenue collection in nearby incorporated municipalities of Sanitary and Improvement Districts bonding and assessments. And specifically study possible reforms in the integration of SID's into the metropolitan tax base.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 178.

Introduced by Public Works Committee: Kremer, 34th District, Chairperson; Lamb, 43rd District; Clark, 47th District; Koch, 12th District; Hoagland, 6th District; Wesely, 26th District; DeCamp, 40th District.

PURPOSE:

The purpose of this study is to examine the issues related to the management, conservation, and beneficial use of Nebraska's water resources. As part of the study thorough consideration will be given to legislation heard and held by the Public Works Committee this session, and to other proposals by public and private groups.

In addition, the progress of the state water planning and review process will be monitored and the planning process reports scheduled to be submitted to the Legislature will be reviewed.

The Legislature has previously declared that one means of conserving the water resources of this state is through the creation of reclamation districts. Current reclamation laws will be reviewed to identify any problems with the laws and to eliminate antiquated language.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee report its findings, together with its recommendations, to the Legislature or to the Legislative Council upon conclusion of the study.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 179.

Introduced by Beutler, 28th District.

PURPOSE:

Maintenance of our soil resource and its food producing capability are of utmost importance to the prosperity and well-being of our society. Soil is a renewable resource if respected and properly used. Policies which result in or contribute to exploitation of this resource should be examined. In particular grain export policies and efforts to raise sufficient crops in the United States to feed the growing world population encourage increasing use of marginal and previously uncultivated lands for crop production often resulting in high soil erosion losses from wind and other factors. Unrestrained, these activities may permanently impair this vital resource.

Soil erosion may also cause water quality problems as identified in the March 1980 Report to the Governor and the Legislature on Water Quality prepared as part of the State Water Planning and Review Process. The financial capability of individual producers to implement soil and water conservation practices, and the state's role in assisting with implementation, an issue addressed by LB 148, should be explored.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee report its findings, together with its recommendations, to the Legislature or to the Legislative Council upon conclusion of the study.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Messrs. Wiitala, Chambers, Wesely, Maresh, Hoagland, V. Johnson, Newell, Burrows, Mesdames Higgins, Pirsch, Labedz, and Miss Kilgarin asked unanimous consent to print the following amendment to LB 3 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1. On page 8, line 26, strike "and".

2. On page 9, line 9, strike the underscored period and insert "; and"; and after line 9 insert the following:

"(u) Sales and purchases for residential use of electricity, coal, natural gas, fuel oil, propane, and sewer and water service.".

3. In the title, line 5, after the semicolon insert "to provide an exemption for certain utilities;".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 257A. By Fowler, 27th District.
This bill introduced on behalf of: LB 257.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 257, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

UNANIMOUS CONSENT - Member Excused

Mr. L. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 12. Mr. Sieck offered the following amendment:

(Amendment on file in the Clerk's Office - Req. #2259.)

Mr. Sieck moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

SPEAKER MARVEL PRESIDING

Mr. Sieck requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Beutler
Chambers
Cullan
Fitzgerald
Fowler
Goodrich
Hoagland
Kilgarin
Labedz
Maresh
Nichol
Peterson, H.
Sieck
Wiitala

Voting in the negative, 24:

Barrett
Beyer
Burrows
Dworak
Fenger
Goll
Haberman
Hefner
Kahle
Koch
Kremer
Lamb
Landis
Marsh
Newell
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Vickers
Von Minden
Wagner
Warner

Present and not voting, 4:

Carsten
Chronister
Clark
Marvel

Excused and not voting, 5:

Cope
Higgins
Johnson, L.
Johnson, V.
Schmit

Absent and not voting, 2:

DeCamp
Wesely

The Sieck amendment lost with 14 ayes, 24 nays, 4 present and not voting, 5 excused and not voting, and 2 absent and not voting.

Mr. Cullan requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 7 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 472. E & R amendments found in the Journal on page 1725 for the Seventy-Third Day were adopted.

Mr. Von Minden and Mrs. Pirsch asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Hoagland renewed his pending amendment found in the Journal on page 1790.

The amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 472A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 451. E & R amendments found in the Journal on page 1725 for the Seventy-Third Day were adopted.

Mr. Cullan renewed his pending amendment found in the Journal on page 1683.

The amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Cullan renewed his pending amendment found in the Journal on page 1773.

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Burrows asked unanimous consent to print the following amendment to LB 512 in the Journal. No objections. So ordered.

AMENDMENTS TO REQ. 2365

1. On page 2, lines 5 and 16 after the period insert "In the case of a corporate contractor, the director, officer, employee, or agent of such corporation who fails to comply with this subsection shall be personally liable to the subcontractor or supplier for such failure.".

2. On page 3, strike lines 3 through 5; in line 6 strike "(9)" and insert "(8)"; and after line 8 insert the following new subsection:

"(9) As used in this section, final payment shall mean payment of at least ninety-five per cent of the total contract price.".

3. Insert the following new sections:

"Sec. 4. That section 52-104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

52-104. Every person holding any lien under sections 52-101 and 52-102 may proceed to obtain a judgment for the amount of his or her account thereon by civil action; and when any suit or suits shall be commenced on such accounts within the time of such lien, the lien shall continue until such suit is finally determined and satisfied. The court may award reasonable attorney's fees and other costs to the other party if the person enforcing the lien is asserting a frivolous or fraudulent lien as determined by the court.

Sec. 5. Any person who files a fraudulent or frivolous mechanic's lien interest shall, in an action brought to quiet title to real estate, be liable for all costs of the action and attorney's fees sustained by the party bringing the action.".

4. On page 8, line 6, strike "and" and insert a comma; and in line 7 after "52-103," insert "and 52-104,".

5. Renumber section 4 as section 6.

6. In the title, strike lines 2 to 6 and insert:

"FOR AN ACT to amend sections 52-101 to 52-104, Reissue Revised Statutes of Nebraska, 1943, relating to mechanic's liens; to provide for notice as prescribed; to provide for attorney's fees; to harmonize provisions; to provide for certain liability; to provide a penalty; and to repeal the original sections.".

VISITORS

Visitors to the Chamber were 25 students from Chambers; 3 visitors from Pittsburg, Pa.; 30 members of the Girls Drill Team, leader, and sponsors from Cambridge; 80 fourth grade students, teachers, and sponsors from Carriage Hill Elementary, Papillion; Senator Koch's mother from Hastings, and his sister, Mrs. Schaaf from Grand Island.

ADJOURNMENT

At 4:06 p.m., on a motion by Mr. Goll, the Legislature adjourned until 9:00 a.m., Monday, May 11, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-EIGHTH DAY - MAY 11, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE FIRST SESSION

SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 11, 1981

Pursuant to adjournment, the Legislature met at 9:17 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Miss Kilgarin, Messrs. Chambers, V. Johnson, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Seventh Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 93
May 8, 1981

Dear Senator Chronister:

Re: Compensation of Rural Water District Directors

We are responding to your letter in which you state that you are considering introducing legislation to amend Neb.Rev.Stat. § 46-1018 (Reissue 1978), to provide for "reimbursement for actual and necessary expenses" for members of Rural Water District Boards.

Neb.Rev.Stat. § 46-1018 now reads: "The chairman and all persons who may perform any service or labor as provided in sections 46-1001 to 46-1020 shall be paid such just and reasonable compensation as may be allowed by the board of directors. . . ."

You state in your letter you are attempting to reimburse board members for mileage and other out of pocket expenses incurred in connection with the business of the district. We believe that the present language in Neb.Rev.Stat. § 46-1018 (Reissue 1978) is sufficient to reimburse the board members for these expenses. We do not believe that any amendment is necessary to the present legislation to reimburse the board members, nor do we believe that the proposed language would serve any useful purpose in clarifying the power of the board.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) G. Roderic Anderson
Assistant Attorney General

GRA:ekj
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 257 and 384.

Correctly Engrossed

The following bills were correctly engrossed: 3, 11, 12, 70, 95, 99, 228, 250, 266, 266A, 296A, 310, 328A, 369, 381, 389, 428, 441, 470, 472, 472A, 497, 501, 506, 541, and 543.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 11

The following changes, required to be reported for publication in the Journal, have been made:

(1) In Req. 2296, page 1, lines 4, 5, 7, 9, 10, 12, and 14, "~~24~~" has been stricken and "20" inserted;

(2) Underscoring has been supplied, where missing, to the new matter in all amendments;

(3) Original sections 16 to 24 have been renumbered as sections 12 to 20; in Req. 2296, sections 25 to 37 have been renumbered as 21 to 33, the new section inserted by the Maresh amendment has been

numbered 34, and sections 38 and 39 have been renumbered as 35 and 36; original sections 25 and 26 have been renumbered as sections 37 and 39; and in Req. 2296 section 40 has been renumbered as 38;

(4) On page 2, "and" has been inserted at the end of line 27;

(5) On page 3, line 3, "(6)" has been stricken and "(5)" inserted;

(6) Pursuant to the Maresh amendment to page 11, line 5, "There" has been stricken and "After August 31, 1981, there" has been inserted;

(7) On page 11, line 26, "16" has been stricken and "12" inserted;

(8) The Maresh amendment to page 11, line 25, has been inserted after the period;

(9) On page 12, lines 3 and 27, "16" has been stricken and "12" inserted;

(10) On page 13, line 13, "Detailed" has been stricken and "A detailed" inserted;

(11) In Req. 2296 on page 13, lines 25 and 26, "section 39 of this act" has been stricken and "this section" inserted;

(12) In line 2 of the Wagner amendment to Req. 2296, page 6, "~~committee~~" has been inserted after "the";

(13) Because of the Maresh amendment to Req. 2296, page 9, line 17, on page 10, line 8 thereof "ten" has been stricken and "seven and one half" inserted;

(14) An underscored period has been inserted at the end of new section 34;

(15) In the Maresh amendments to Req. 2296, a comma has been inserted at the end of line 2; and in line 4 "Nebr 1943" has been stricken and "Nebraska, 1943," inserted;

(16) In Req. 2296, page 2, line 13, page 8, lines 15 and 21, page 9, lines 12 and 23, page 10, line 4, page 11, line 25, and page 12, line 26, "39" has been stricken and "36" inserted; and

(17) In the title, lines 2 to 4 have been stricken and the following inserted:

"FOR AN ACT relating to agriculture; to adopt the Grain
Sorghum Resources Act; to redesignate the Division
of Wheat Development, Utilization, and Marketing
and the Nebraska Wheat Development and Utilization
Committee as a board; to provide for transfers; to
change powers, authority, and duties; to increase
a tax; to amend sections 2-2302 to 2-2311, and 2-2315
to 2-2318, Reissue Revised Statutes of Nebraska,
1943; to provide severability; to repeal the original
sections, and also sections 2-3312, 2-3313, and 2-3314,
Reissue Revised Statutes of Nebraska, 1943, and sections
2-2316.01, 2-3624, 2-3625, and 2-3626, Revised
Statutes Supplement, 1980; and to declare an emergency.".

Enrollment and Review Changes to LB 70

The following changes, required to be reported for publication in the Journal, have been made:

(1) Original section 3 has been renumbered as section 2.

(2) In the E & R amendment to the title in line 3, “first” has been stricken and “second” inserted; in line 4 “provision for the” has been stricken and “automatic” has been inserted; and in line 5, “waiver provision” has been stricken and “certain waiver provisions” has been inserted.

Enrollment and Review Changes to LB 95

The following changes, required to be reported for publication in the Journal, have been made:

(1) In the Cullan amendment adopted 4/16, line 7, “'her'” has been stricken and “the period” inserted;

(2) In the Cullan amendment adopted 4/16, lines 9 and 10, “, R.R.S 1943” has been stricken.

Enrollment and Review Changes to LB 228

The following changes, required to be reported for publication in the Journal, have been made:

In standing committee amendment 2, line 2, “'and'” has been stricken and “the comma” inserted.

Enrollment and Review Changes to LB 257

The following changes, required to be reported for publication in the Journal, have been made:

1. In the title, reference to the tax credit has been stricken from lines 3 to 5; in line 7 “as prescribed” has been inserted after “tax”; and in line 10 “77-2715” has been stricken and “77-3424” inserted; and

2. Pursuant to the Koch amendment on May 5, original sections 16 to 19 have been renumbered as sections 7 to 10 respectively.

3. In the Final Reading copy (first), page 3, line 9, “(a)” has been stricken and “(1)” has been inserted; and in line 11, “(b)” has been stricken and “(2)” inserted;

4. In the Koch amendment, REQ 2369, page 1, line 21, “(i)” has been stricken and “(a)” inserted; and in line 22 “(ii)” has been stricken and “(b)” inserted.

Enrollment and Review Changes to LB 381

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 20, line 26, "(1)" has been stricken and "(a)" inserted;
2. On page 21, line 2, "(2)" has been stricken and "(b)" inserted.

Enrollment and Review Change to LB 389

The following changes, required to be reported for publication in the Journal, have been made:

(1) In the title, line 4, "to provide termination;" has been inserted after the semicolon.

Enrollment and Review Changes to LB 472

The following changes, required to reported for publication in the Journal, have been made:

(1) In the title as amended, line 2, "state officers" has been stricken and "liability" inserted; and in line 3, "officers" has been stricken and "persons" inserted.

Enrollment and Review Change to LB 506

The following change, required to be reported for publication in the Journal, has been made:

In the title, as amended, lines 2 to 7 have been stricken and the following inserted:

"FOR AN ACT relating to the Department of Health; to
provide for a program of smoking disease and
cancer research as prescribed; to provide for
appropriations and the use thereof; to increase
the cigarette tax; to amend section 77-2616,
Reissue Revised Statutes of Nebraska, 1943, and
section 77-2602, Revised Statutes Supplement, 1980; to".

Enrollment and Review Change to LB 541

The following change required to be reported for publication in the Journal, has been made:

In the title, line 3, "60-432," has been inserted after the first comma; and in line 9 "to provide a monthly expense allowance;" has been inserted after the semicolon.

(Signed) Emory P. Burnett
E & R Attorney

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 556A. By Marvel, 33rd District.
The bill introduced on behalf of: LB 556.

A BILL FOR AN ACT to appropriate funds to carry out the provisions of Legislative Bill 556, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 428 in the Journal. No objections. So ordered.

1. On page 3, line 11, after "petition" insert "shall be verified and"; in line 16 after "person" insert "and property"; in line 20 after "choice" insert "or has indicated a desire for an attorney of his or her own choice"; reinstate the stricken matter beginning with "The" in line 23 through the period in line 27; in line 23 before "The" insert "(c)" and start a new paragraph; in line 25 after "his" insert "or her"; and in line 27 after "appointed" insert "pursuant to section 3 of this act and section: 30-2624".

2. On page 4, line 6, strike "(c)" and insert "(d)"; strike beginning with "certified" in line 8 through "by" in line 9; in line 9 after "attorney" insert "certifies that it is not in the best interest of the person to be present"; reinstate the stricken matter in lines 12 and 13; in line 13 strike "a"; in line 14 after "act" insert "and section 30-2624"; in line 15 after "hearing" insert "only"; in line 24 strike "and"; in line 25 after "person" insert ", and other persons or agencies that may provide relevant information"; and in line 27 after "and" insert ", if any change is anticipated,".

3. On page 8, lines 3 and 4, strike ", if any,"; in line 4 after "guardian" insert "and ward, acting together or singly as specified by the court,"; and in line 24 strike "and".

4. On page 9, line 6, strike the underscored period and insert "; and"; after line 6 insert a new subdivision as follows:

"(10) Any other area identified by the court."; strike beginning with "is" in line 16 through "is" in line 17, show as stricken, and insert "shall be"; in line 17 reinstate "law,"; in line 19 after the comma insert "gerontology," and strike "is" and insert "~~is~~ shall be"; in line 21 after the period insert "The court shall maintain a list of qualified persons to act as visitors."; and in line 22 strike "competent" and insert "qualified".

5. On page 10, line 7, after the period insert "The petitioner and the allegedly incapacitated person may each exercise a challenge for cause of the proposed visitor."; and strike lines 8 through 12.

6. On page 11, line 24, before the first "owner" insert "or any"; and in line 25 strike "or anyone employed by", show as stricken, and insert "employee, or spouse of any owner, part owner, manager, administrator, or employee of".

7. On page 12, line 9, strike "on a daily basis".

8. On page 13, line 1, strike "A" and insert "Unless specifically limited by the terms of the guardianship plan pursuant to section 8 of this act, a"; and in line 9 after "court" insert "pursuant to section 8 of this act".

9. On page 14, line 18, strike ", progress, and well-being"; and strike beginning with "If" in line 25 through "such" in line 27.

10. On page 15, line 1, strike "an order."; and in line 2 after "be" insert "returned to the ward or".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 318 in the Journal. No objections. So ordered.

1. Insert new sections as follows:

"Section 1. That section 79-1233, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1233. (1) No person shall be employed to teach in any public, private, denominational, or parochial school in this state who does not hold a valid Nebraska certificate or permit issued by the Commissioner of Education legalizing him or her to teach the grade or subjects to which elected, except that no Nebraska certificate or permit shall be required of persons teaching exclusively (a) in junior colleges organized as part of the public school system or (b) in a school operated by a religious organization whose religious beliefs are violated by the imposition of such a requirement.

(2) Public, private, denominational, or parochial schools in the state may employ persons who do not hold a valid Nebraska teaching certificate or permit issued by the Commissioner of Education to serve as aides to a

teacher or teachers. Such teacher aides may not assume any teaching responsibilities. A teacher aide may be assigned duties which are nonteaching in nature, if the employing school has assured itself that the aide has been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of his or her work.

Sec. 5. That section 79-1701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1701. (1) All private, denominational, and parochial schools in the State of Nebraska, and all teachers employed or giving instruction therein, shall be subject to and governed by the provisions of the general school laws of the state so far as the same apply to grades, qualifications, and certification of teachers and promotion of pupils.

(2) All private, denominational, and parochial schools shall have adequate equipment and supplies, and shall be graded the same and shall have courses of study for each grade conducted therein, substantially the same as those given in the public schools where the children attending would attend in the absence of such private, denominational, or parochial schools.

(3) The provisions of subsections (1) and (2) of this section shall not apply to any school operated by a religious organization whose religious beliefs are violated by the imposition of those provisions, but such a school shall provide its pupils regular instruction using a structured curriculum or course of study. Any school qualifying for the exemption from the general school laws authorized by this subsection shall annually submit its pupils to a recognized proficiency test, and no such school shall be prohibited from operating unless it is established through such testing that the educational progress of its pupils is not comparable to that of children attending public schools in the district in which the school is located. The Legislature finds that such annual testing will insure that satisfactory education progress of students is maintained and that such testing does not come too late in the educational process to detect any program deficiencies.".

2. In the committee amendments strike line 13 and insert "'6', and strike '79-486 and' and insert '79-1233,'; in line 2 after '79-1333.01,' insert 'and 79-1701,';"; and in line 17 strike "1 to 3" and insert "2 to 4".

GENERAL FILE

LEGISLATIVE BILL 95A. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 1 nay, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 389A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 9 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 396A. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 477A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 506A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 541A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 2 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 257A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 2 nays, 17 present and not voting, and 3 excused and not voting.

MOTION - Return LB 165 to Select File

Mr. Warner moved to return LB 165 to Select File for the specific amendment found in the Journal on page 567.

The motion prevailed with 25 ayes, 7 nays, 15 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 165. The Warner specific amendment found in the Journal on page 567 was considered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mrs. Marsh requested a roll call vote on the Warner amendment.

Voting in the affirmative, 26:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Cullan
Dworak
Fenger
Goll
Goodrich
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Landis
Marsh
Marvel
Nichol
Pirsch
Rumery
Stoney
Vickers
Von Minden
Warner
Wesely

Voting in the negative, 21:

Clark
Cope
DeCamp
Fitzgerald
Fowler
Haberman
Hefner
Higgins
Kahle
Koch
Kremer
Labedz
Lamb
Maresh
Newell
Peterson, H.
Peterson, R.
Remmers
Sieck
Wagner
Wiitala

Excused and not voting, 2:

Chambers
Schmit

The Warner specific amendment was adopted with 26 ayes. 21 nays, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Wagner asked unanimous consent to print the following amendment to LB 302 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 302
AMENDMENTS TO STANDING COMMITTEE AMENDMENTS

1. On page 2, line 24, strike "megavolts" and insert "thousand volts".

2. Insert new sections as follows:

"Sec. 6. That section 70-623, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-623. The fiscal year of the district shall coincide with the calendar year. The board of directors, at the close of each year's business, shall cause an audit of the books, records and financial affairs of the district to be made by a certified public accountant or firm of such accountants, who shall be selected by the district, subject to the approval of the Auditor of Public Accounts. The audit shall be in a form prescribed by the auditor. ~~, and shall contain and show the items set forth in section 70-623.01.~~ When the audit has been examined and approved by the auditor, written copies thereof shall be placed and kept on file at the principal place of business of the district, and shall be filed with the Auditor of Public Accounts and the Nebraska Power Review Board within one hundred and twenty days after December 31 of each year. The Auditor of Public Accounts shall charge the expense of such audit to such district, and each district shall pay to the Auditor of Public Accounts the reasonable cost thereof.

Sec. 7. That original section 70-623, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

3. Underscore original sections 1 to 5.

4. In E and R amendment 2, line 2 after the semicolon insert "to amend section 70-623, Reissue Revised Statutes of Nebraska, 1943;" and in line 5 after the semicolon insert "to eliminate an obsolete reference;".

Mr. Cullan asked unanimous consent to print the following amendment to LB 320 in the Journal. No objections. So ordered.

Req. #2393

1. In the Standing Committee amendments, on page 1, line 14, strike the new matter and reinstate the stricken matter.

2. On page 3, lines 15 through 17, reinstae the

stricken matter; and in line 17, after the reinstated "year" insert ", except that for fiscal years 1981-82 and 1982-83 the tax levy increase permitted by this subsection may exceed the seven per cent limitation by an amount".

3. Insert a new section as follows:

"Section 1. That section 79-2648, Revised Statutes Supplement, 1980, be amended to read as follows:

79-2648. Each board shall have the power to issue and sell revenue bonds and general obligation bonds for the purchase, construction, reconstruction, equipping, demolition, or alteration of capital assets and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances and other facilities connected with the operation of the technical community colleges, except that no revenue bonds shall be issued or sold for the purpose of planning or constructing any facility used primarily as a dormitory or student center. Revenue derived from the sale of revenue bonds prior to the effective date of this act shall not be used for the purpose of planning or constructing any facility used primarily as a dormitory or student center unless failure to do so would result in impairing the obligation of a contract. Each board may establish in its budget a capital improvement and bond sinking fund. Such fund shall be used (1) first for the retirement of bonds assumed by the board in accordance with the provisions of such bonds, (2) then for renewal work and deferred maintenance, as defined in section 81-173, handicapped access and life safety improvements made to existing structures or grounds, and projects designed to prevent or correct a waste of energy, including measures taken to utilize alternate energy sources, all in accordance with the capital facilities plan of the area, (3) then for the retirement of bonds issued pursuant to this section, and (4) then for the purchasing, purchasing on contract, constructing, and improving of facilities necessary to carry out the provisions of sections 79-2636 to 79-2653 and section 79-2662. Revenue bonds issued shall be subject to all applicable provisions of sections 79-1438.04 to 79-1438.12. No general obligation bonds shall be issued without the approval by a majority vote of the qualified electors of the area voting in an election called for such purpose pursuant to section 79-2650.03. No bonds issued under the provisions of sections 79-2636 to 79-2653, and section 79-2662 shall be an obligation of the State of Nebraska and no state tax shall be levied to raise funds for the payment thereof or interest thereon.".

4. On page 6, line 6, after "sections" insert "79-2648,".

5. Renumber remaining sections accordingly.

MOTION - Return LB 336 to Select File

Mr. Stoney moved to return LB 336 to Select File for the following specific amendment:

Amend LB 336 in Line 24 Page 2 Strike December 31, 1983 and insert June 30, 1984.

The motion prevailed with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 336. The Stoney specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 188. With Emergency.

A BILL FOR AN ACT to amend section 48-806, Revised Statutes Supplement, 1980, relating to labor; to increase the per diem for judges of the Commission of Industrial Relations; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.

Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wesely
Wiitala

Voting in the negative, 2:

Dworak
Stoney

Present and not voting, 3:

Kremer
Wagner
Warner

Excused and not voting, 2:

Chambers
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 188A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 188, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, R.
Remmers
Rumery
Sieck
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 8:

Dworak
Kremer
Maresh
Peterson, H.
Pirsch
Stoney
Vickers
Warner

Present and not voting, 3:

Cope
Goll
Marvel

Excused and not voting, 2:

Chambers
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 207. With Emergency.

A BILL FOR AN ACT relating to driver education; to amend sections 60-409, 60-409.02, 60-409.12, and 72-1237.01, Reissue Revised Statutes of Nebraska, 1943; to increase the per pupil state payment; to increase and reallocate drivers' license and permit fees; to eliminate a fund; to provide an operative date; to repeal the original sections, and also section 60-409.01, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 29:

Barrett
Beutler
Beyer
Chronister
Cope
DeCamp
Dworak
Fenger
Fowler
Goodrich
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Marsh
Newell
Rumery
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 14:

Carsten
Clark
Cullan
Haberman
Johnson, L.
Labedz
Maresh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Stoney
Von Minden

Present and not voting, 4:

Burrows
Fitzgerald
Goll
Marvel

Excused and not voting, 2:

Chambers
Schmit

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 33:

Barrett
Beutler
Beyer
Burrows
Chronister
Cope
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Marsh
Marvel
Newell
Rumery
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 12:

Carsten
Clark
Cullan
Johnson, L.
Maresh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Stoney
Von Minden

Present and not voting, 2:

DeCamp
Labedz

Excused and not voting, 2:

Chambers
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 207A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 207, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 33:

Barrett
Beutler
Beyer
Burrows
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Marsh
Marvel
Newell
Rumery
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 13:

Carsten
Clark
Cullan
Johnson, L.
Labedz
Maresh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Stoney
Von Minden

Present and not voting, 1:

Higgins

Excused and not voting, 2:

Chambers
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 234 to Select File

Mr. Fowler moved to return LB 234 to Select File for the following specific amendment:

(FINAL READING COPY)

Req. #2310

1. Insert the following new section:

"Section 1. That section 48-121, Revised Statutes Supplement, 1980, be amended to read as follows:

48-121. The following schedule of compensation is hereby established for injuries resulting in disability:

(1) For total disability, the compensation during such disability shall be sixty-six and two-thirds per cent of the wages received at the time of injury, but such compensation shall not be more than one hundred ~~eighty~~ ninety dollars per week, nor less than forty-nine dollars per week; Provided, that if at the time of injury the employee receives wages of less than forty-nine dollars per week, then he or she shall receive the full

amount of such wages per week as compensation. Nothing in this subdivision shall require payment of compensation after disability shall cease.

(2) For disability partial in character, except the particular cases mentioned in subdivision (3) of this section, the compensation shall be sixty-six and two-thirds per cent of the difference between the wages received at the time of the injury and the earning power of the employee thereafter, but such compensation shall not be more than one hundred ~~eighty~~ ninety dollars per week. This compensation shall be paid during the period of such partial disability, but not beyond three hundred weeks. Should total disability be followed by partial disability, the period of three hundred weeks mentioned in this subdivision shall be reduced by the number of weeks during which compensation was paid for such total disability.

(3) For disability resulting from permanent injury of the following classes, the compensation shall be in addition to the amount paid for temporary disability; Provided, the compensation for temporary disability shall cease as soon as the extent of the permanent disability is ascertainable, viz: For the loss of a thumb, sixty-six and two-thirds per cent of daily wages during sixty weeks. For the loss of a first finger, commonly called the index finger, sixty-six and two-thirds per cent of daily wages during thirty-five weeks. For the loss of a second finger, sixty-six and two-thirds per cent of daily wages during thirty weeks. For the loss of a third finger, sixty-six and two-thirds per cent of daily wages during twenty weeks. For the loss of a fourth finger, commonly called the little finger, sixty-six and two-thirds per cent of daily wages during fifteen weeks. The loss of the first phalange of the thumb or of any finger shall be considered to be equal to the loss of one half of such thumb or finger and compensation shall be for one half of the periods of time above specified, and the compensation for the loss of one half of the first phalange shall be for one-fourth of the periods of time above specified. The loss of more than one phalange shall be considered as the loss of the entire finger or thumb; Provided, that in no case shall the amount recieved for more than one finger exceed the amount provided in this schedule for the loss of a hand. For the loss of a great toe, sixty-six and two-thirds per cent of daily wages during thirty weeks. For the loss of one of the toes other than the great toe, sixty-six and two-thirds per cent of daily wages during ten weeks. The loss of the first phalange of any toe shall be considered equal to the loss of one half of such toe, and

compensation shall be for one half of the periods of time above specified. The loss of more than one phalange shall be considered as the loss of the entire toe. For the loss of a hand, sixty-six and two-thirds per cent of daily wages during one hundred seventy-five weeks. For the loss of an arm, sixty-six and two-thirds per cent of daily wages during two hundred twenty-five weeks. For the loss of a foot, sixty-six and two-thirds per cent of daily wages during one hundred fifty weeks. For the loss of a leg, sixty-six and two-thirds per cent of daily wages during two hundred fifteen weeks. For the loss of an eye, sixty-six and two-thirds per cent of daily wages during one hundred twenty-five weeks. For the loss of an ear, sixty-six and two-thirds per cent of daily wages during twenty-five weeks. For the loss of hearing in one ear, sixty-six and two-thirds per cent of daily wages during fifty weeks. For the loss of the nose, sixty-six and two-thirds per cent of daily wages during fifty weeks.

In any case in which there shall be a loss or loss of use of more than one member or parts of more than one member set forth in this subdivision, but not amounting to total and permanent disability, compensation benefits shall be paid for the loss or loss of use of each such member or part thereof, with the periods of benefits to run consecutively. The total loss or permanent total loss of use of both hands, or both arms, or both feet, or both legs, or both eyes, or hearing in both ears, or of any two thereof, in one accident, shall constitute total and permanent disability and be compensated for according to the provisions of subdivision (1) of this secton. In all other cases involving a loss or loss of use of both hands, both arms, both feet, both legs, both eyes, or hearing in both ears, or of any two thereof, total and permanent disability shall be determined in accordance with the facts. Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand, and amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot. Amputation at or above the elbow shall be considered as the loss of an arm, and amputation at or above the knee shall be considered as the loss of a leg. Permanent total loss of the use of a finger, hand, arm, foot, leg, or eye shall be considered as the equivalent of the loss of such finger, hand, arm, foot, leg, or eye. In all cases involving a permanent partial loss of the use or function of any of the members mentioned in this subdivision, the compensation shall bear such relation to the amounts named in said subdivision as the disabilities bear to those produced by the injuries named therein. Should the employer and the employee be unable to agree upon the amount of compensation to be paid in cases not covered by the schedule, the amount of compensation shall be settled according to the provisions of sections 48-173 to 48-185. Compensation under this subdivision shall not be more than one hundred ~~eighty~~ ninety dollars per week, nor less than forty-nine dollars per week; Provided, that if at the time of the injury the employee received wages of less than forty-nine dollars per week, then he or she shall receive the full amount of such wages per week as compensation.

(4) For disability resulting from permanent disability, if immediately prior to the accident the rate of wages was fixed by the day or hour, or by the output of the employee the weekly wages shall be taken to be computed upon the basis of a work week of a minimum of five days, if the wages are paid by the day, or upon the basis of a work week of a minimum of forty hours, if the wages are paid by the hour, or upon the basis of a work week of a minimum of five days or forty hours, whichever results in the higher weekly wage, if the wages are based on the output of the employee.

(5) The employee shall be entitled to compensation from his or her employer for temporary disability while undergoing rehabilitation.''.

2. On page 2, line 8, strike ''eighty'', show as stricken, and insert ''ninety''.

3. On page 4, line 7, strike ''section'' and insert ''sections 48-121 and''; and in line 8 strike ''is'' and insert ''are''.

4. Renumber original sections 1 and 2 as sections 2 and 3, respectively.

The motion prevailed with 27 ayes, 10 nays, 10 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 234. The Fowler specific amendment found in this day's Journal was considered.

Mr. Newell moved the previous question. The question is, ''Shall the debate now close?'' The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

Messrs. Maresh and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Fowler requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Beutler
Burrows
Carsten
Cullan
DeCamp
Dworak
Fitzgerald
Fowler
Goodrich
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Rumery
Sieck
Stoney
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 20:

Barrett
Beyer
Chronister
Clark
Cope
Fenger
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Lamb
Marvel
Peterson, H.
Peterson, R.
Pirsch
Remmers
Von Minden

Excused and not voting, 4:

Chambers
Maresh
Nichol
Schmit

The Fowler amendment was adopted with 25 ayes, 20 nays, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Withdraw Amendment to LB 273

Mr. DeCamp asked unanimous consent to withdraw his pending amendment to LB 273 found in the Journal on page 856. No objections. So ordered.

MOTION - Return LB 273 to Select File

Mr. DeCamp moved to return LB 273 to Select File for the specific amendment, Req. #2173, found in the Journal on page 913.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The DeCamp motion to return to Select File prevailed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 273. The DeCamp specific amendment found in the Journal on page 913 was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 273 to Select File

Mr. DeCamp moved to return LB 273 to Select File for the following specific amendment:

(FINAL READING COPY)

1. Insert the following new section:

"Sec. 30. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. Renumber remaining sections accordingly.

3. In the title, line 25, after the semicolon insert "to provide severability;".

The motion prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 273. The DeCamp specific amendment found in this day's Journal was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. L. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 273A to Select File

Mr. Warner moved to return LB 273A to Select File for the following specific amendment:

1. Insert the following sections:

"Sec. 3. There is hereby appropriated five thousand dollars from the General Fund for the period July 1, 1980 to June 30, 1981, to the State Claims Board, for

Program 535, to aid in carrying out the provisions of Legislative Bill 273, Eighty-seventh Legislature, First Session, 1981. Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed four thousand five hundred dollars.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.''.

The motion prevailed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 273A. The Warner specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 144. With Emergency.

A BILL FOR AN ACT relating to public transportation; to amend sections 19-3902, 19-3903, 19-3904, 19-3909, and 19-3911, Reissue Revised Statutes of Nebraska, 1943, section 19-3905, Revised Statutes Supplement, 1980, and sections 19-3908 and 75-303, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1 and 2, respectively, Legislative Bill 85, Eighty-seventh Legislature, First Session, 1981; to restate intent; to define a term; to provide duties; to provide assistance to public purpose organizations; to provide an additional exemption from Public Service Commission regulation; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 39:

Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer

Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 7:

Barrett
Beutler
Beyer
Fenger
Goll
Peterson, R.
Stoney

Present and not voting, 1:

Von Minden

Excused and not voting, 2:

Chambers
Johnson, L.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 144A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 144, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Burrows
Carsten
Chronister
Clark
Cope
Cullan
Dworak
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 6:

Beutler	Fenger	Peterson, R.
Beyer	Goll	Stoney

Present and not voting, 2:

Barrett DeCamp

Excused and not voting, 2:

Chambers Johnson, L.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 459A to Select File

Mr. Fowler moved to return LB 459A to Select File for the specific amendment, Req. #2207, printed separate from the Journal and referred to on page 1118.

The motion prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 459A. The Fowler specific amendment referred to in the Journal on page 1118 was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 234A to Select File

Mr. Fowler moved to return LB 234A to Select File for the following specific amendment:

On page one, in line 1, strike "two" and insert "eleven", and in line 2, after "thousand" insert "seven hundred twenty-two".

The motion prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 234A. The Fowler specific amendment found in this day's Journal was adopted with 26 ayes, 2 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 204.

A BILL FOR AN ACT relating to mileage and expenses; to amend sections 1-110, 2-953, 2-954, 2-1582, 2-1803, 2-2306, 2-2404, 2-3218, 3-104, 3-502, 3-611, 3-705, 14-1706, 14-1803, 19-706, 21-17,133, 21-2307, 23-343.26, 23-343.87, 23-1210, 23-1614, 23-1724, 23-2505, 23-2603, 24-326, 24-342.02, 24-513, 24-718, 24-731, 25-1227, 29-752, 29-1903, 29-1907, 29-1908, 29-2259, 29-2539, 29-3204, 31-219, 32-403, 32-549, 33-108, 33-116, 33-133, 33-135.01, 33-138, 33-139, 35-506, 37-603, 39-869, 39-1106, 39-1643, 39-2106, 39-2202, 39-2304, 43-601, 43-631, 44-111, 44-127.08, 44-388, 44-2405, 44-2706, 44-2849, 44-3005, 46-538, 46-634.01, 46-901, 48-155.01, 48-610, 48-1116, 49-230, 49-233, 49-905, 49-14,120, 50-408, 50-415, 51-313, 51-314, 51-402, 53-113, 54-1169, 54-1914, 55-428, 55-442, 60-406.06, 60-1414, 66-470, 68-702.01, 68-1105, 70-719, 71-122.01, 71-124, 71-1,132.12, 71-1,156, 71-230, 71-317, 71-331, 71-1401, 71-1524, 71-1565, 71-2005, 71-2605, 71-2703, 71-2908, 71-3506, 71-3706, 71-3809, 71-4611, 71-4715, 71-4902, 71-5005, 71-5006, 71-5008, 71-5118, 72-201, 72-720, 72-1121, 72-1239, 76-303, 76-513, 77-417, 77-1720, 77-2024, 79-327, 79-426.03, 79-426.05, 79-1281.01, 79-1421, 79-2102, 79-2113, 80-101, 80-401.08, 81-509, 81-539, 81-807, 81-814, 81-829.53, 81-829.54, 81-842, 81-885.27, 81-8,110.11, 81-8,116, 81-8,163, 81-8,189, 81-8,191, 81-8,220, 81-8,267, 81-8,272, 81-1108.32, 81-1120.18, 81-1218, 81-1409, 81-1421, 81-1507, 82-310, 83-101.06, 83-195, 83-1,128, 83-1,141, 83-211.02, 83-1071, 84-213, 84-1501, 85-104, 85-1,103, 85-906, and 86-709, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1201, 2-1505, 2-3619, 23-114.01, 23-343.02, 23-1112, 23-1112.01, 23-1820, 33-117, 43-607, 43-657, 46-154, 48-159, 48-804.02, 48-806, 54-137, 54-140, 57-904, 68-1305, 70-1003, 71-122, 71-222, 71-1631, 71-2045.06, 71-4723, 71-5026, 71-5606, 71-5845, 71-5864, 72-224.03, 76-1609, 77-3,106, 79-490, 79-1034, 79-1281, 79-2203, 80-305, 80-401.02, 81-175, 81-502.02, 81-804, 81-822, 81-8,285, 81-1241, 81-1503, 81-1504, 81-1603, 81-1805, 83-337, 83-424, 83-945, 84-134, 84-306.03, 84-306.06, 84-306.08, 84-306.09, and 85-1011, Revised Statutes Supplement, 1980; to harmonize provisions; to increase certain rates; to provide intent for adjustments to certain rates; to provide severability; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 34:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Koch
Labedz
Landis
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Stoney
Vickers
Wagner
Wesely

Voting in the negative, 0.

Present and not voting, 13:

Burrows
Goodrich
Kahle
Kilgarin
Kremer
Lamb
Maresh
Newell
Pirsch
Schmit
Von Minden
Warner
Wiitala

Excused and not voting, 2:

Beutler
Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 204A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 204, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 37:

Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely

Voting in the negative, 0.

Present and not voting, 11:

Burrows
Goodrich
Kahle
Kilgarin
Lamb
Maresh
Newell
Pirsch
Schmit
Warner
Wiitala

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Print in Journal

Mr. Wiitala, Mesdames Labedz, Higgins, and Miss Kilgarin asked unanimous consent to print the following amendment to LB 3 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2392.)

MOTION - Bracket LB 89

Mr. V. Johnson offered the following Lamb motion:
Bracket LB 89 pending receipt of interim study report of LR 103.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 11 nays, and 19 not voting.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Lamb motion to bracket prevailed with 25 ayes, 15 nays, 8 present and not voting, and 1 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 95A. Placed on Select File.
LEGISLATIVE BILL 389A. Placed on Select File.
LEGISLATIVE BILL 396A. Placed on Select File.
LEGISLATIVE BILL 477A. Placed on Select File.
LEGISLATIVE BILL 506A. Placed on Select File.
LEGISLATIVE BILL 541A. Placed on Select File.
LEGISLATIVE BILL 257A. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 412 in the Journal. No objections. So ordered.

1. On page 4, strike lines 8 through 14, show the old matter as stricken and insert:

"(b) Interest upon the amounts of unpaid tax from each year included in subsection (1) (a) of this section at the rate of ten per cent from the dates at which such unpaid taxes would have been payable if no special assessment as agricultural use land under subsection (1) of section 77-1344 had been in effect.".

GENERAL FILE

LEGISLATIVE BILL 556. Title read. Considered.

Standing Committee amendments found in the Journal on page 1630 for the Seventieth Day were considered.

Mr. Fowler requested a record vote on the Standing Committee amendments.

Voting in the affirmative, 14:

Beutler
Clark
Fowler
Goll
Hoagland
Johnson, V.
Koch
Landis
Marsh
Marvel
Nichol
Warner
Wesely
Wiitala

Voting in the negative, 20:

Barrett
Beyer
Chronister
Cope
Cullan
Dworak
Fitzgerald
Goodrich
Hefner
Higgins
Johnson, L.
Kahle
Kilgarin
Kremer
Labedz
Maresh
Peterson, H.
Peterson, R.
Remmers
Stoney

Present and not voting, 14:

Burrows
Carsten
DeCamp
Fenger
Haberman
Lamb
Newell
Pirsch
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner

Excused and not voting, 1:

Chambers

The Standing Committee amendments lost with 14 ayes, 20 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 548. Title read. Considered.

Standing Committee amendments, Req. #2368, found in the Journal on page 1714 for the Seventy-Third Day were considered.

Mr. Goodrich requested a division of the question on the Standing Committee amendments.

The Chair sustained the division.

The first Standing Committee amendment is as follows:

(1)

Claim No. 039, against the Department of Public Institutions, pay to the Joseph J. Soukup Trust Fund, which is hereby created, out of the General Fund, $30,000.00. Such trust fund shall be invested by the state investment officer, pursuant to sections 72-1237 to 72-1259, and the income of such trust fund shall be paid periodically to Joseph J. Soukup for his maintenance and support. Upon the death of Joseph J. Soukup, the principal of the Joseph J. Soukup Trust Fund shall be returned to the General Fund.

Messrs. DeCamp and H. Peterson offered the following amendment to the first Standing Committee amendment:

Claim No. 39 Joseph J. Soukup Trust Fund: strike $30,000.00 and insert $50,000.00.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The DeCamp-H. Peterson amendment to the first Standing Committee amendment was adopted with 25 ayes, 22 nays, 1 present and not voting, and 1 excused and not voting.

The Standing Committee amendment (1), as amended, was adopted with 26 ayes, 11 nays, 11 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The second Standing Committee amendment is as follows:

(2)

1. On page 2, strike lines 10 through 14.
2. On page 6, strike lines 11 through 15.
3. On page 8, after line 7 insert the following:

"Claim No. 160, against the Public Employees Retirement Board, pay to Sharon J. Dorman, Rt. 2, Mitchell, Nebraska, 69357, out of the General Fund	56.02
Claim No. 121, against the Department of Public Welfare, pay to Donald L. Anderson, 2340 Park Lane, Nebraska City, Nebraska, 68410,	367.54
and pay to Pamida, Inc., 8800 F Street, Omaha, Nebraska, 68127,	23.46
out of the General Fund	
Claim No. 053, against the Department of Health, pay to Grady Memorial Hospital, 80 Butler Street S.E., Atlanta, Georgia 30303, out of the General Fund	52.20

Claim No. 003, against the Department of Education, pay to Crawford City Schools, 6th and Cootes, Crawford, Nebraska, 69339, out of the General Fund	216.00
Claim No. 128, against the Department of Education, pay to Crawford City Schools, 6th and Cootes, Crawford, Nebraska, 69339, out of the General Fund	432.00
Claim No. 075, against the University of Nebraska-Lincoln, pay to the City of Lincoln, 550 South 10th Street, Lincoln, Nebraska, 68508, out of the General Fund	7,097.45
Claim No. 181, against the Department of Correctional Services, pay to Robert F. Parratt and A. V. Nance, as joint debtors, P. O. Box 2500, Lincoln, Nebraska, 68502, out of the General Fund	2,903.50";

and after line 27 insert:

"Claim No. 035, against the State Treasurer, pay to Donald Brunken, Denton, Nebraska, 68339, out of the General Fund	4.29".

Mr. Kremer asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. V. Johnson offered the following amendment to the second Standing Committee amendment:

Delete Pg. 2 lines 20-24 of the Committee Amendment to LB 548.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Beutler
Burrows
Clark
Cullan
DeCamp
Fitzgerald
Fowler
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Lamb
Landis
Marsh
Newell
Remmers
Schmit
Sieck
Wesely
Wiitala

Voting in the negative, 19:

Carsten
Chronister
Cope
Dworak
Goll
Goodrich
Hefner
Johnson, L.
Kahle
Maresh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Stoney
Vickers
Von Minden
Warner

Present and not voting, 5:

Barrett
Beyer
Fenger
Marvel
Wagner

Excused and not voting, 2:

Chambers
Kremer

The V. Johnson amendment to the second Standing Committee amendment lost with 23 ayes, 19 nays, 5 present and not voting, and 2 excused and not voting.

The Standing Committee amendment (2) was adopted with 31 ayes, 2 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 27 ayes, 11 nays, 9 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Clark asked unanimous consent to be excused Tuesday afternoon, May 12, 1981. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 11A, 146, 316, 322, 361, 366, and 545.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 146

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 12, line 26, a comma has been inserted after "geologic";

2. In the E & R amendments, on page 2, line 2, "45-656" has been stricken and "46-656" has been inserted, and in lines 5 and 6 "provide a maximum interest rate or discount on" has been stricken and "change provisions relating to" inserted;

3. Original sections 7 and 8 have been renumbered as sections 12 and 15; sections 10 and 11 found in the Rumery amendments adopted 4/14 have been renumbered as sections 13 and 14; and the emergency clause has been renumbered as section 16;

4. In the Rumery amendments, page 4, line 3, "10, and 11," has been stricken and "13, and 14" inserted;

5. In the title, line 4, "and" has been stricken and at the end of the line "and 46-673," has been inserted; and in line 10 "; to increase an authorized tax" has been inserted after "duties", and "; to provide operative dates" has been inserted after "act".

(Signed) Emory P. Burnett
E & R Attorney

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 487A. By Wesely, 26th District.
This bill introduced on behalf of: LB 487.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 487, Eighty-seventh Legislature, First Session, 1981.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 318 in the Journal. No objections. So ordered.

1. Strike original section 5.

2. Strike standing committee amendment 2.

3. On page 11, line 3, strike "counted on the last Friday in September", show as stricken, and insert "as reported in the preceding school year's fall school district membership report"; in line 5 before "preceding" insert "year prior to the"; and in line 6 strike beginning with the first "the" through "report", show as stricken, and insert "the fall school district membership report for the year prior to the preceding year".

4. In the standing committee amendment, on page 1, line 13, strike "4" and insert "3"; and strike lines 14 and 15 and insert "and in line 3 strike 'sections 79-4,102,' and insert 'section' and strike 'and 79-1334,'.".

5. Renumber remaining sections accordingly.

Mr. Dworak asked unanimous consent to print the following amendment to LB 179 in the Journal. No objections. So ordered.

(Final Reading Second)

Req. #2397

1. Insert the following new sections:

"Sec. 20. That section 3, Legislative Bill 284, Eighty-seventh Legislature, First Session, 1981, be amended to read as follows:

Sec. 3. Each county shall receive a share of the funds distributed pursuant to section 2 of this act based on the percentage figure obtained by dividing the total actual value of agricultural, commercial-industrial, and suburban-residential real estate in the county by the total actual value of agricultural, commercial-industrial, and suburban-residential real estate in the state. The Tax Commissioner shall determine the amount to be distributed to the various counties for distribution to the political subdivisions within such county and shall certify such amounts to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 5, 1980, and December 5, 1981. For fiscal year 1980-81 the fund shall be distributed according to the same schedule except that any monthly payment not made prior to the effective date of this act shall be added to the initial payment made following the effective date of this act. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.

Out of the amount of funds distributed to a county under this section, the county treasurer shall retain one per cent thereof and then shall distribute the remainder to each of the political subdivisions within his or her county as set forth in section 4, Legislative Bill 284, Eighty-seventh Legislature, First Session, 1981.

Sec. 21. That section 9, Legislative Bill 284, Eighty-seventh Legislature, First Session, 1981, be amended to read as follows:

Sec. 9. For fiscal year 1982-83 and each fiscal year thereafter each county shall receive an amount from the Political Subdivision Property Tax Relief Fund based on the percentage figure obtained by dividing the actual valuation of real and personal property in the county by the actual valuation of real and personal property in the state based on the values stated in the most recent certificate of taxes levied pursuant to section 77-628. The Tax Commissioner shall determine the amount to be distributed to the various counties for distribution to the political subdivisions within such county and shall certify such amounts to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 5, 1982, and each December 5 thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.

Out of the amount of funds distributed to a county under this section, the county treasurer shall retain one per cent thereof and then shall distribute the remainder to each of the political subdivisions within his or her county as set forth in section 10, Legislative Bill 284, Eighty-seventh Legislature, First Session, 1981.".

2. On page 68, line 20, strike "21" and insert "23".

3. On page 69, line 1, strike "and" and in line 4 after "1980," insert "and sections 3 and 9, Legislative Bill 284, Eighty-seventh Legislature, First Session, 1981,".

4. In the title in line 6 strike "and"; in line 9 after "1980" insert ", and sections 3 and 9, Legislative Bill 284, Eighty-seventh Legislature, First Session, 1981"; and in line 17 after the first semicolon insert "to authorize the county treasurer to retain certain funds as prescribed;".

5. Renumber original sections 20 to 23 as sections 22 to 25, respectively.

VISITORS

Visitors to the Chamber were Mr. and Mrs. Jim Fras, Lincoln; Gerd and Karin Nowak, Erlangen, Bavaria; 9 eighth grade students and teacher from Arcadia Public School, Arcadia; 45 fourth grade students and teachers from Bennington Public School, Bennington; Mr. and Mrs. W. J. Steiner from Genoa; Mr. and Mrs. Leonard

Meissner, Baraboo, Wisconsin; 10 eighth grade students and teacher from Millard North Junior High School, Millard; Mr. and Mrs William A. Hamilton from Oklahoma; Bill and Penny Hamilton from Nebraska; 21 fourth through eighth grade students and teachers from Elk City; 100 fourth grade students and teachers from Crete; visitors from Republic of China Delegation; Benjamin C.C. Lu, Kun Chung Lin, Chi Kuang Chi, Mao Shiung Lin, Chin Tang Lin, Shi-Ji Yu, Kuo Liang Doe, Shu Wei Shen, Yih-Ych Lin, Chan Han Huang, Kuen Duan Lee, King Yu Cho, Wen Kuei Wang, Peter C. Young, Han Kuang Chang, Bill S. Cho, Jen Hwa Chan, Cheue Sheng You, Hsiao Chuang Tzeng, Eric C. C. Chiang, Fang Cheng Tien, Yung Hsiang Chen, Stephen S. F. Chen, William Sun, Conrad Lu, and Li-teh Wang; 7 students, sponsors, and teacher from District #29, Maple Grove; and 27 third grade students, sponsors, and teacher from Weeping Water.

ADJOURNMENT

At 4:13 p.m., on a motion by Mr. Stoney, the Legislature adjourned until 9:00 a.m., Tuesday, May 12, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-NINTH DAY - MAY 12, 1981

LEGISLATIVE JOURNAL

SEVENTY-NINTH DAY - MAY 12, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

SEVENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 12, 1981

Pursuant to adjournment, the Legislature met at 9:05 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Pastor Martin Russert, Grace Lutheran Church, Norfolk, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh, Messrs. Chambers, Dworak, Hoagland, Kahle, Koch, Newell, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1867, line 26, strike "38" and insert "35".
The Journal for the Seventy-Seventh Day was approved as corrected.
The Journal for the Seventy-Eighth Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 207.

(Signed) Karen Kilgarin, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolutions: LB's 207, 207A, 188, 188A, 144, 144A, 204, 204A, LR 79, LR 115, and LR 116.

MOTION - Overrule Speaker's Agenda

Mr. Warner moved to overrule the Speaker's agenda for May 12th by not reading any bills on final reading but only consider motions to return to Select File for specific amendments under item (4.).

The motion lost with 13 ayes, 25 nays, 7 present and not voting, and 4 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 197.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1980, relating to revenue and taxation; to provide a tax credit for the elderly as prescribed; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Barrett
Beyer
Burrows
Carsten
Chronister
Cope
Fenger
Fitzgerald
Fowler
Goodrich
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Pirsch
Remmers
Vickers
Wagner
Wesely

Voting in the negative, 17:

Clark
Cullan
DeCamp
Goll
Haberman
Johnson, L.
Kremer
Lamb
Maresh
Peterson, H.
Peterson, R.
Rumery
Schmit
Sieck
Stoney
Von Minden
Warner

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Chambers
Dworak
Wiitala

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 197A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 197, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Mrs. Marsh requested a roll call vote.

Voting in the affirmative, 31:

Barrett
Beyer
Burrows
Carsten
Chronister
Cope
Fenger
Fitzgerald
Fowler
Goodrich
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Pirsch
Remmers
Schmit
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 14:

Cullan
DeCamp
Goll
Haberman
Johnson, L.
Kremer
Lamb
Peterson, H.
Peterson, R.
Rumery
Sieck
Stoney
Von Minden
Warner

Present and not voting, 2:

Beutler
Clark

Excused and not voting, 2:

Chambers
Dworak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATION OF VOTE ON LB 197

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

EXPLANATION OF VOTE ON LB 197A

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

MOTION - Return LB 245 to Select File

Mr. Warner moved to return LB 245 to Select File for the specific amendment found in the Journal on page 1156.

The motion to return lost with 19 ayes, 25 nays, 4 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Withdraw Amendment to LB 245A

Mr. Hoagland asked unanimous consent to withdraw his pending amendment to LB 245A found in the Journal on page 1387. No objections. So ordered.

MOTION - Return LB 245A to Select File

Mr. Hoagland moved to return LB 245A to Select File for the specific amendment found in the Journal on page 1592.

MR. CLARK PRESIDING

Mr. Hoagland asked unanimous consent to withdraw his pending motion. No objections. So ordered.

Mr. Vickers moved to return LB 245A to Select File for the specific amendment found in the Journal on page 1686.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Vickers motion to return lost with 15 ayes, 24 nays, and 10 present and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 245. With Emergency.

A BILL FOR AN ACT relating to the University of Nebraska at Lincoln; to authorize the planning and construction of a Regional College of Veterinary Medicine as prescribed; to provide for termination; to amend section 85-180.01, Revised Statutes Supplement, 1980; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 35:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Maresh
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wiitala

Voting in the negative, 14:

Beutler
Chambers
Cope
Dworak
Hoagland
Johnson, V.
Kilgarin
Landis
Marsh
Marvel
Pirsch
Stoney
Warner
Wesely

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 245A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 245, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Maresh
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner
Wiitala

Voting in the negative, 15:

Beutler
Chambers
Cope
Dworak
Hoagland
Johnson, V.
Kilgarin
Landis
Marsh
Marvel
Pirsch
Stoney
Vickers
Warner
Wesely

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

EXPLANATION OF VOTE ON LB 245

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

EXPLANATION OF VOTE ON LB 245A

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

ATTORNEY GENERAL'S OPINION

Opinion No. 94
May 12, 1981

Dear Senator Hefner:

You have indicated that the Nebraska Legislature is currently considering various methods of reapportioning Nebraska's congressional districts based upon the 1980 census figures and have inquired as to the legal necessity of achieving, as nearly as possible, mathematical equality between districts.

In White v. Weiser, 412 U.S. 783, the United States Supreme Court relying upon Article I, Section 2 of our Federal Constitution rejected a Texas reapportionment plan in which the largest district exceeded the ideal district by 2.43 percent and the smallest was under populated by 1.7 percent. In that case, the challengers had demonstrated to the lower court that an alternative plan existed which would have had a maximum deviation of .086 percent and a minimum deviation of .063 percent.

The court citing its previous holding in Kirkpatrick v. Preisler, 394 U.S. 526, stated that the Federal Constitution would permit only those population variances among congressional districts which were unavoidable despite a good faith effort to achieve absolute equality.

It should be kept in mind in reviewing decisions of the federal courts on reapportionment questions that there is a different standard applicable to reapportionment plans for federal congressional districts than is applicable to reviews of reapportionment plans for state legislative districts. This is true in part because congressional districts are governed by the precise language of Article I, Section 2 of the Constitution of the United States while state legislative districts are controlled by the broad general language of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. This distinction was recognized by the United States Supreme Court in White, supra, where they made reference to a previous holding in the case of Mahan v. Howell, 410 U.S. 315, and indicated that while the line of cases of which Kirkpatrick, supra, was a part would continue to govern congressional reapportionments, a less stringent standard would be applicable to evaluations of state reapportionment plans challenged under the Equal Protection Clause of the Fourteenth Amendment.

Therefore, from our reading of the Supreme Court's holding in White v. Weiser, supra, we would be of the opinion that the Nebraska Legislature should attempt to arrive at a reapportionment plan which would as nearly as possible achieve mathematical equality between the three congressional districts.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:pes
cc Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 180.

Introduced by Wesely, 26th District.

WHEREAS, interstate rail passenger transportation is an essential service to Nebraskans, especially in view of ever-decreasing air service and rising gasoline costs; and

WHEREAS, the nation's entire rail transportation system is especially deserving of continued support in view of the continuing energy crisis and deteriorating national highway system; and

WHEREAS, ridership on the national Amtrak system has steadily increased, and the railroad is ahead of schedule in meeting revenue targets mandated by Congress; and

WHEREAS, President Reagan has recommended a reduction in the federal budget for Amtrak service from $853 to $613 million; and

WHEREAS, if approved by Congress this reduction will require significant cutbacks in Amtrak service and will threaten continued rail passenger service in Nebraska; and

WHEREAS, as much as $200 million might be required to fulfill contracts with rail workers left idle if the proposed reduction is approved, and millions of dollars invested in track and equipment, including $300 million worth of new Superliner cars, might be wasted;

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, FIRST SESSION:

1. That the Nebraska Congressional delegation is urged to seriously examine the true net cost-savings before supporting the proposed Amtrak budget reductions;

2. That the delegation is urged to work to assure that any reductions in Amtrak service are based primarily upon passenger levels, and that the delegation vigorously oppose any action which might lead to the termination of passenger train service in Nebraska; and
3. That a copy of this resolution be delivered to each member of the Nebraska Congressional delegation.

Laid over.

MOTION - Return LB 39 to Select File

Mr. Koch moved to return LB 39 to Select File for the specific amendment found in the Journal on page 1282.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

The Koch motion to return prevailed with 28 ayes, 10 nays, and 11 present and not voting.

SELECT FILE

LEGISLATIVE BILL 39. The Koch specific amendment found in the Journal on page 1282 was adopted with 29 ayes, 8 nays, and 12 present and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 39A to Select File

Mr. Kahle moved to return LB 39A to Select File for the following specific amendment:
1) On page 2, in line 2, strike "five hundred ninety thousand" and insert the following: "three hundred seventy four thousand one hundred eighteen".
2) On page 2, after line six, insert the following: "There shall be no expenditures for permanent and temporary salaries and per diems from funds appropriated in this section."

The motion prevailed with 30 ayes, 0 nays, and 19 present not voting.

SELECT FILE

LEGISLATIVE BILL 39A. The Kahle specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, and 22 present and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 168. With Emergency.

A BILL FOR AN ACT relating to mobile homes; to amend sections 60-302, 60-1609, 60-1609.01, 60-1611 to 60-1613, 60-1801, and 77-1238, Reissue Revised Statutes of Nebraska, 1943, and sections 77-1239, 77-1240, 77-1241, and 77-3502, Revised Statutes Supplement, 1980; to provide a duty for the Department of Revenue and county officials; to provide assessment stickers for mobile homes; to change provisions relating to motor vehicle permits for mobile homes; to redefine a term; to change provisions relating to personal property taxation; to provide a penalty; to repeal the original sections, and also sections 60-1601, 60-1601.01, 60-1604, 60-1608, 60-1610, and 77-1240.02, Reissue Revised Statutes of Nebraska, 1943, and sections 60-1602, 60-1603, 60-1605, 77-1239.03, 77-1239.04, 77-1240.05, and 77-1240.06, Revised Statutes Supplement, 1980; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 1:

Warner

Present and not voting, 2:

Goodrich
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 168A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 168, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 1:

Warner

Present and not voting, 3:

Chronister
Kahle
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

EXPLANATION OF VOTE ON LB 168

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

EXPLANATION OF VOTE ON LB 168A

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 157. With Emergency.

A BILL FOR AN ACT to amend section 80-401, Revised Statutes Supplement, 1980, relating to the Nebraska Veterans' Aid Fund; to increase such fund; to provide for appropriations; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 4:

Cullan
Dworak
Stoney
Warner

Present and not voting, 3:

Beutler
Kahle
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 157A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 157, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 41:

Barrett
Beyer
Burrows
Carsten
Chambers
Clark
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 4:

Cullan
Dworak
Stoney
Warner

Present and not voting, 4:

Beutler
Chronister
Hefner
Kahle

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

EXPLANATION OF VOTE ON LB 157

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilitiesand programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

EXPLANATION OF VOTE ON LB 157A

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilitiesand programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 427.

A BILL FOR AN ACT to amend section 79-1247.05, Reissue Revised Statutes of Nebraska, 1943, relating to teachers; to provide for reimbursement of expenses for serving on certain committees and employing a replacement as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 2:

Dworak
Warner

Present and not voting, 1:

Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 427A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 427, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 2:

Dworak
Warner

Present and not voting, 2:

Marvel
Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATION OF VOTE ON LB 427

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilitiesand programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

EXPLANATION OF VOTE ON LB 427A

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilitiesand programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 556. Placed on Select File.
LEGISLATIVE BILL 548. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 292. With Emergency.

A BILL FOR AN ACT to adopt the Forms Management Program Act; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Schmit
Sieck
Wagner
Wesely
Wiitala

Voting in the negative, 5:

Cope
Pirsch
Stoney
Vickers
Warner

Present and not voting, 4:

Chambers
Kremer
Rumery
Von Minden

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 292A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 292, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Schmit
Sieck
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 5:

Cope
Pirsch
Stoney
Vickers
Warner

Present and not voting, 3:

Chambers
Marvel
Rumery

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

EXPLANATION OF VOTE ON LB 292

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

EXPLANATION OF VOTE ON LB 292A

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 317.

A BILL FOR AN ACT relating to children; to amend sections 43-626, 43-647, 43-661, and 83-1,143.01, Reissue Revised Statutes of Nebraska, 1943, and section 43-666, Revised Statutes Supplement, 1980; to provide legislative findings; to provide duties for regional offices of mental retardation; to change provisions relating to placement of mentally retarded individuals; to provide for certain payments; to change provisions relating to enforcement and appeal of certain orders; to change provisions relating to reimbursements and contracts; to provide minimum standards; and to repeal the original sections, and also section 83-1,143.04, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 27:

Chronister
Cullan
DeCamp
Fenger
Fitzgerald
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer

Lamb
Landis
Maresh
Marsh
Nichol
Remmers
Schmit
Sieck
Vickers
Von Minden
Wagner
Wiitala

Voting in the negative, 18:

Barrett
Beutler
Carsten
Chambers
Clark
Cope
Dworak
Fowler
Haberman
Higgins
Labedz
Newell
Peterson, H.
Pirsch
Rumery
Stoney
Warner
Wesely

Present and not voting, 4:

Beyer
Burrows
Marvel
Peterson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 317A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 317, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Chambers
Chronister
Cullan
DeCamp
Fenger
Fitzgerald
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Remmers
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 17:

Barrett
Beutler
Burrows
Carsten
Cope
Dworak
Fowler
Haberman
Higgins
Labedz
Newell
Peterson, H.
Peterson, R.
Pirsch
Rumery
Stoney
Warner

Present and not voting, 2:

Beyer Clark

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATION OF VOTE ON LB 317

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

EXPLANATION OF VOTE ON LB 317A

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 22.

A BILL FOR AN ACT relating to motorcycles; to amend sections 60-336, 60-403.01, and 60-409.02, Reissue Revised Statutes of Nebraska, 1943, and section 39-2215, Revised Statutes Supplement, 1980; to define terms; to provide a motorcycle safety education course; to provide duties; to create a fund; to provide reimbursement for certain instruction as prescribed; to change distribution of certain funds; to change a fee; to change licensing examination provisions as prescribed; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 30:

Beutler
Beyer
Burrows
Carsten
Chambers
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Haberman
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Nichol
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wesely
Wiitala

Voting in the negative, 14:

Barrett
Chronister
Dworak
Goll
Goodrich
Hefner
Lamb
Maresh
Newell
Peterson, H.
Peterson, R.
Schmit
Vickers
Warner

Present and not voting, 5:

Clark
Johnson, L.
Kremer
Marvel
Wagner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 22A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 22, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 31:

Beutler
Beyer
Burrows
Carsten
Chambers
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Haberman
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Landis
Maresh
Marsh
Nichol
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wesely
Wiitala

Voting in the negative, 12:

Barrett
Chronister
Dworak
Goll
Goodrich
Hefner
Lamb
Newell
Peterson, H.
Peterson, R.
Vickers
Warner

Present and not voting, 6:

Clark	Kremer	Marvel
Johnson, L.	Labedz	Wagner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATION OF VOTE ON LB 22

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

EXPLANATION OF VOTE ON LB 22A

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 158.

A BILL FOR AN ACT relating to energy audits; to create a fund and prescribe its use.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Barrett	Carsten	Cullan	Fitzgerald	Haberman
Beutler	Chambers	DeCamp	Fowler	Hefner
Beyer	Chronister	Dworak	Goll	Higgins
Burrows	Cope	Fenger	Goodrich	Hoagland

Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 4:

Lamb
Maresh
Schmit
Warner

Present and not voting, 3:

Clark
Kremer
Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 158A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 158, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 4:

Lamb	Maresh	Schmit	Warner

Present and not voting, 3:

Clark	DeCamp	Kremer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATION OF VOTE ON LB 158

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

EXPLANATION OF VOTE ON LB 158A

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 253. With Emergency.

A BILL FOR AN ACT relating to litter; to amend section 28-523, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1536, 81-1541, 81-1542, 81-1549, 81-1551 to 81-1553, 81-1556 to 81-1561, 81-1563, 81-1565, and 81-1566, Revised Statutes Supplement, 1980, and 81-1566, Revised Statutes Supplement, 1980; to change a penalty provision; to define and redefine terms; to change provisions relating to litter receptacles and fees; to provide a litter fee for certain retailers; to provide duties for the Department of Revenue; to provide a penalty; to eliminate a grant restriction; to change the termination date; to provide severability; to repeal the original sections, and also section 81-1564, Revised Statutes Supplement, 1980; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Beyer
Burrows
Chronister
Cope
DeCamp
Fenger
Fitzgerald
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Stoney
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 15:

Barrett
Beutler
Carsten
Chambers
Cullan
Dworak
Fowler
Goll
Hoagland
Lamb
Maresh
Rumery
Sieck
Vickers
Warner

Present and not voting, 1:

Clark

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 253A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 253, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 33:

Beyer
Burrows
Chronister
Clark
Cope
DeCamp
Fenger
Fitzgerald
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Sieck
Stoney
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 14:

Barrett
Beutler
Carsten
Chambers
Cullan
Dworak
Fowler
Goll
Hoagland
Lamb
Maresh
Rumery
Vickers
Warner

Present and not voting, 2:

Marvel
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

EXPLANATION OF VOTE ON LB 253

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

EXPLANATION OF VOTE ON LB 253A

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

VISITORS

Visitors to the Chamber were 28 fourth, fifth, and sixth grade students and teacher from Hampton Public School; 55 fourth grade students and teachers from Dawes Elementary School, Lincoln; Jean Haskell from Laurel; Senator Richard Peterson's daughter, Sandy; Wha Young and OK Jin Lee from Seoul; Mrs. Sue Wood from Auckland, New Zealand; 4 students from Papillion High School; and 28 seventh and eighth grade students and teachers from Marquette.

RECESS

At 12:14 p.m., on a motion by Mrs. Higgins, the Legislature recessed until 1:50 p.m.

AFTER RECESS

The Legislature reconvened at 1:50 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Mrs. Labedz and Mr. L. Johnson who were excused until they arrive.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 197, 197A, 245, 245A, 168, 168A, 157, 157A, 427, 427A, 292, 292A, 317, 317A, 22, 22A, 158, 158A, 253, 253A.

UNANIMOUS CONSENT - Print in Journal

Messrs. Fenger, Chronister, and L. Johnson asked unanimous consent to print the following amendment to LB 529 in the Journal. No objections. So ordered.

On page 3 of Committee amendments
Strike beginning on line 24, the new language
~~a financial statement compiled by a person or firm holding a permit granted by the Nebraska State Board of Public Accountancy and~~
reinstate the original language.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 113. With Emergency.

A BILL FOR AN ACT to adopt the Motor Club Services Act; to amend section 44-101.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Director of Insurance; to provide duties for the Director of Insurance; to establish a penalty; to provide for severability; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 42:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 3:

Lamb
Maresh
Warner

Present and not voting, 1:

Marvel

Excused and not voting, 3:

Johnson, L.
Labedz
Pirsch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 113A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 113, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Kremer
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 4:

Cullan
Lamb
Maresh
Warner

Present and not voting, 2:

Chambers
Koch

Excused and not voting, 3:

Johnson, L.
Labedz
Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATION OF VOTE ON LB 113

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

EXPLANATION OF VOTE ON LB 113A

I voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

MR. CLARK PRESIDING

MOTION - Return LB 179 to Select File

Mr. Dworak moved to return LB 179 to Select File for the specific amendment, Req. #2397, found in the Journal on page 1933.

The motion prevailed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 179. The Dworak specific amendment found in the Journal on page 1933 was adopted with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Kremer asked unanimous consent to be excused Thursday, May 14, 1981. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 129. Title read. Considered.

Mr. Nichol offered the following amendment:
Section 1, line 9, strike the word "fifteen" and insert the word "fourteen"

The amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 29 ayes, 4 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 118. Title read. Considered.

Standing Committee amendments, Req. #2333, found in the Journal on page 1535 for the Sixty-Sixth Day were considered.

Mr. Landis moved that LB 118 be returned to the Business and Labor Committee for a public hearing.

Mr. Landis asked unanimous consent to withdraw his motion. No objections. So ordered.

The Standing Committee amendments were adopted with 27 ayes, 4 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 22 present and not voting, and 1 excused and not voting.

REPORT OF EXECUTIVE BOARD

May 12, 1981

The Legislative Council Executive Board hereby submits the Attached 1981 Preliminary Reference Report on Legislative Resolutions as approved by the Executive Board on May 12, 1981.

LB 93, 109, 122, 126, 138 and 166 have been referred to a "Legislative Committee on Federal-State-Local Fiscal and Program Policy". This Committee consists of Standing Committee Chairpersons plus the Speaker and Executive Board Chairman. It is chaired by Senator Warner.

All Committee Chairpersons are asked to prioritize the resolutions and develop a program statement for each Interim Study Resolution assigned to their Committee.

These statements should be submitted to the Executive Board by Friday, May 22, 1981, at which time a final reference will be made to the appropriate Standing Committee following a review of the priority listings and program statements.

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

1981 Resolutions Calling for a Study

LR 19 - Study of potential health hazards of any uranium mining which might take place in NE. (Cullan) Public Works

LR 61 - Clarify statutes relating to per diem allowance for all public officers and employees and make necessary suggestions which resolve problems or conflicting sections of law. (Wagner) Government, Military and Veterans Affairs

LR 63 - Study of all aspects concerning application and consequences of death penalty. (Chambers) Judiciary

LR 67 - Examine feasibility of consolidating municipal courts into county court system. (Beutler) Judiciary

LR 68 - Study of statutory provisions relating to taxation of special fuels and obtaining of bonds by motor fuel and special fuel dealers as security for payment of tax. (Warner-Kahle-Carsten, etc.) Revenue

LR 69 - Study of NE State Inheritance tax in connection with LB 480. (Carsten, Newell, Hefner, etc.) Revenue

LR 70 - Study of collection process of special assessments levied by local governments. (Carsten, Hefner, Newell, etc.) Revenue

LR 71 - Determine most effective means of providing property tax relief by shifting property tax burden to other forms of taxation. (Revenue Com. Carsten) Revenue

LR 72 - Reappraisal of NE Motor Vehicle Safety Responsibility Act in connection with LB 137. (Banking Com. DeCamp) Banking, Commerce & Insurance

LR 73 - Investment and deposit procedures for political subdivisions of state. (Banking Com. DeCamp) Banking, Commerce & Insurance

LR 74 - Study of NE Investment Council procedures for investment of state funds. (Banking Com. DeCamp) Banking, Commerce & Insurance

LR 76 - Study the circumstances under which cable television franchises have been granted in communities in NE, including Omaha. (Hoagland) Urban Affairs

LR 77 - Study conditions and factors influencing uranium mining and siting of large industrial projects in Nebraska. (Public Works - Kremer) Public Works

LR 78 - Study of methods of expeditiously reconstructing most hazardous segments of Highway 81. (Maresh, Schmit, Hefner, etc.) Transportation Advisory

LR 80 - Study of possible changes in Nebraska's Employment Security Law. (Business & Labor, Maresh) Business & Labor

LR 81 - Study various aspects of National Guard and military life in Nebraska. (Government Com. Kahle) Government, Military & Veterans Affairs

LR 82 - Study adequacy of disability compensation for state employees engaged in high risk jobs. (Government Com. Kahle) Government, Military and Veterans Affairs

LR 83 - Study existing ambiguities and conflicts in statutes regarding offices of County Engineer and County Surveyor. (Government Com. Kahle) Government, Military & Veterans Affairs

LR 84 - Study use of court fees for purposes other than operation of the courts. (Government Com. Kahle) Government, Military and Veterans Affairs

LR 85 - Study to authorize an analysis and evaluation of various components and aspects of legislative processes, operations, staffing, personnel practices, etc. (Lamb) Executive Board

LR 86 - Study to examine the status and effectiveness of various highway, vehicle, and operator safety programs of NE and sister states. (DeCamp) Public Works

LR 87 - Study to examine facets of Nebraska's boundaries with So. Dakota, Iowa, and Missouri. (Public Works Com. Kremer) Public Works

LR 88 - Study to determine the extent comprehensive school health education has been implemented and to identify the barriers associated with the implementation. (Marsh, Koch) Education

LR 89 - Continuation of Law Enforcement and Justice Advisory Committee. (Landis, Schmit, Chambers, etc.) Executive Board

LR 90 - Study of feasibility of creating state agency responsible for collecting & analyzing data regarding energy costs pertinent to establishment of natural gas rates. (Nichol) Executive Board

LR 91 - Standards for public bldg accessibility for handicapped. (Fowler) Miscellaneous Subjects

LR 92 - Study of due process procedures provided for in administrative state proceedings. (Administrative Rules Com. Johnson) Adm. Rules & Regulations

LR 93 - Review of all state and local agencies involved in the funding and continuance of public transportation in urban and rural areas. (Landis, Labedz) Special Committee

LR 94 - Study of NE aircraft fuel tax with a view towards simplifying procedures and eliminating unnecessary paperwork pertaining to collections & refunds of the tax. (Revenue Com. Carsten) Revenue

LR 95 - Study of State Telecommunications System. (Telecommunications Com. Clark) Telecommunications

LR 96 - Study of Nebraska's energy situation. (DeCamp) Executive Board

LR 97 - Study all aspects concerning taxation of motor vehicle fuels when used for food processing, especially Hexane. (Clark) Revenue

LR 98 - Investigate shortages of nurses and other health care personnel in NE's rural and urban areas. (Maresh) Public Health and Welfare

LR 99 - Study of mandatory retirement ages for public employees of State of NE and its political subdivisions. (Retirement Com. Fowler) Retirement

LR 100 - Study of various aspects of retirement plans for public employees in Nebraska. (Retirement Com. Fowler) Retirement

LR 101 - Examine basic purposes, policies, and goals of corrections, sentencing and parole in NE (Judiciary, Nichol) Judiciary

LR 102 - Develop guidelines and alternatives to be used by courts in regard to restitution programs for victims of crime. (Judiciary, Nichol) Judiciary

LR 103 - Study of realignment of Nebraska Judicial Districts. (Judiciary, Nichol) Judiciary

LR 104 - Funding sources for Grand Island Law Enforcement Training Center. (Judiciary, Nichol) Judiciary

LR 105 - Recodification of NE Juvenile Code. (Judiciary, Nichol) Judiciary

LR 106 - Medicare Supplement Insurance and nursing home insurance (LB 877, 1980). (Higgins) Banking, Commerce and Insurance

LR 107 - Continuation of MANDAN study committee. (Lamb) Executive Board

LR 108 - Study role of NE in the regulation and supervision of private and denominational schools. (Koch) Education

LR 109 - Study of processes followed by state government in securing federal funding for various projects. (Administrative Rules, Johnson) Special Committee

LR 110 - Study of administrative practices of agencies, boards and commissions of state government. (Administrative Rules, Johnson) Adm. Rules and Regulations

LR 111 - Study of methods of asserting claims against the state. (Administrative Rules, Johnson) Adm. Rules and Regulations

LR 112 - Study statutory offense of driving while intoxicated (DWI) and penalties for 1st, 2nd and subsequent offenses. (Haberman) Judiciary

LR 113 - Examine administrative and medical organizational structure of the three regional centers in NE. (Fenger, R. Peterson) Public Health and Welfare

LR 114 - Examine regional delivery of services in NE, including funding, administration, organization, and authority of the regions as it affects delivery of services to clients. (Health Com. Cullan) Public Health and Welfare

LR 117 - Examine irrigation development in the sandhills region of NE, and effect on surface water, subirrigated meadows. (Vickers) Public Works

LR 118 - Study adequacy of existing NE laws regulating sale & possession of handguns. (Hoagland) Judiciary

LR 119 - Study of Periodic Motor Vehicle Inspection Program. (Vickers, DeCamp, Von Minden) Public Works

LR 120 - Research desirability of limiting number of bills that senators may introduce during even year sessions. (Con. Rev. Labedz) Constitutional Revision and Recreation

LR 121 - Research desirability of Con. Amd. to change minimum number of senators from 50 to 60. (Con. Rev. Labedz) Constitutional Revision and Recreation

LR 122 - Study of Medicaid system in Nebraska. (Fowler) Special Committee

LR 123 - Consider legitimate use of wiretapping against the attendant questions of constitutionality, need and effectiveness. (Judiciary, Nichol) Judiciary

LR 124 - NE Education Television Comm. to construct microwave interconnect system between Lincoln and Omaha. (Telecommunications, Clark) Telecommunications

LR 125 - Study of necessity & accountability of records, & comparison made of record-keeping techniques and travel control in other states and other state offices. (Intergovernmental, Clark) Intergovernmental Cooperation

LR 126 - Study of a state wide comprehensive plan that will insure the delivery of good quality health care for elderly and disabled. (Clark, Marsh, Vickers, etc.) Special Committee

LR 127 - Study method of financing construction, maintenance, and administration of state highway system. (Haberman) Revenue

LR 128 - Review and clarify basis for differentiating between private practice of medicine and diagnostic or treatment centers or clinics for purposes of health clinic licensure. (Higgins, Cullan) Public Health and Welfare

LR 129 - Study of the ramifications which the conflict of interest laws have on communities in NE. (Landis for Urban Affairs Com.) Urban Affairs

LR 130 - Study of the organization of Sections 18-101 thru 18-130 concerning the initiative and referendum petitions. (Landis for Urban Affairs Com.) Government, Military and Veterans Affairs

LR 131 - Investigation of incentives for growth in blighted areas such as the community assistance programs and alterations in the NE Mortgage Finance Fund. (Landis for Urban Affairs Com.) Urban Affairs

LR 132 - Study of infant mortality rates within NE. (V. Johnson) Public Health and Welfare

LR 133 - Study of what property should be included in marital estate to be divided between parties by the court in case of divorce. (Pirsch) Judiciary

LR 134 - Coordination of efforts being made by Judiciary Com. and various NE Bar Association and Supreme Court Drafting Committees with regard to law governing civil procedure. (Judiciary Com. Nichol) Judiciary

LR 135 - Study employment contracts made between school districts and teachers or administrators. (Koch on behalf of Education Com.) Education

LR 136 - Examine issues related to comprehensive policy and system of child care. (Koch on behalf of Education Com.) Education

LR 137 - Study issues regarding school tax equity. (Koch on behalf of Education Com.) Education

LR 138 - Study effects of federal budget reductions on financing of education in NE. (Koch on behalf of Education Com.) Special Committee

LR 139 - Study development of a systematic method for promoting professional growth of public school teachers and enactment of statutory provisions for teacher and administrator evaluations. (Koch on behalf of Education Com.) Education

LR 140 - Study effectiveness of NE Coordinating Comm. for Postsecondary Education. (Koch on behalf of Education Com.) Education

LR 141 - Study legal provisions regarding tenure of teachers and administrators in public schools, Educational Service Units, and Technical Community Colleges. (Koch on behalf of Education Com.) Education

LR 142 - Study of Workmen's Comp Act. (Wiitala) Business and Labor

LR 143 - Explore crimes committed with handguns; amount of plea bargaining which takes place, and possible mandatory sentencing of persons using handgun in commission of crime. (Pirsch) Judiciary

LR 144 - Study Colleges of Engineering and Technology at UNL and UNO. (Goodrich) Education

LR 145 - Study of banking structure in Nebraska. (Banking Com. DeCamp) Banking, Commerce and Insurance

LR 147 - Study of adequacy and practical accessibility of procedures for resolution of disputes between public employers and employees. (Fitzgerald, Labedz) Business and Labor

LR 148 - Study of NE product liability laws. (DeCamp) Banking, Commerce and Insurance

LR 149 - Conduct comprehensive review of all NE statutes providing for bonding of persons, professions, trades, corporations, businesses, associations, and all entities engaged in commerce. (Higgins, Labedz, DeCamp) Banking, Commerce and Insurance

LR 150 - Study feasibility of Con Amd to abolish the office of State Treasurer, and place State Auditor under control of the Legislature. (Wesely) Constitutional Revision and Recreation

LR 151 - Examine motor vehicle registration and taxation laws. (Wesely) Public Works

LR 152 - Study of law enforcement problems in small NE cities and villages. (Haberman) Judiciary

LR 153 - Study of allowing early advancement of qualifying high school students to Higher Education. (Beutler) Education

LR 154 - Study of feasibility of returning statue of William Jennings Bryan to a site on the grounds of the State Capitol. (Fowler) Miscellaneous Subjects

LR 155 - Provide for review of all matters leading to and possibly supporting introduction in Legislature of compact with midwest region states for purpose of development and operation of proper low-level radioactive waste disposal facility. (Ag Com. Schmit) Agriculture and Environment

LR 156 - Give guidance to Ag and Environment Com. in its interim activities when dealing with many issues of crucial importance to agriculture in State of Nebraska. (Ag. Com. Schmit) Agriculture and Environment

LR 157 - Examine the financial and tax problems confronting the horse racing industry. (Schmit) Agriculture and Environment

LR 158 - Study of alternative methods of organization and structure for governing Nebraska's postsecondary school institutions. (Hoagland) Education

LR 159 - Examine existing election procedures relating to initiative, referendum and recall. (Hefner) Government, Military & Veterans Affairs

LR 160 - Study and evaluation of the NE Political Accountability and Disclosure Commission and Act. (Mis. Sub. Com. Hefner) Miscellaneous Subjects

LR 161 - Study the problem of unpaid utility bills & possible placement of lien on property on which utility installation is located. (Sieck, H. Peterson, L. Johnson) Urban Affairs

LR 162 - Examine existing retail alcoholic beverage regulations and retail licensing structure in NE. (Cullan) Miscellaneous Subjects

LR 163 - Examine eligibility for homestead exemption for disabled based on income. (Landis, Beutler, Wesely) Revenue

LR 164 - Limitation of number of bills per session; Present method of setting agenda. (Newell, Beutler, Wesely, Sieck, Kahle) Rules

LR 165 - Feasibility of reorganizing state regulatory activities relating to building industry. (Wesely) Public Health and Welfare

LR 166 - Cutoff of funding of Legal Aid Societies; Access to the courts by NE citizens. (Beutler) Judiciary

LR 167 - Consolidation of separate Juvenile Probation Offices with NE State Probation System. (Beutler, Fowler, Labedz) Judiciary

LR 168 - Explore feasibility of providing potential funding for various public elementary and secondary education needs through statutory enactment of punitive damages. (Koch) Education

LR 169 - Provide legislative review of present recommendations of Governor's Task Force on Government Improvement, and establish line of communication on additional task force efforts. (Wesely, DeCamp) Government, Military & Veterans Affairs

LR 170 - Problems created by delay in payment to small NE businesses by large corporations. (Vickers, Maresh) Business and Labor

LR 171 - Study effects of a corporate structure of farm ownership and the economic and sociological impacts of such a structure. (Schmit, Wiitala, Wagner, etc.) Agriculture and Environment

LR 172 - Study of practices and operations of various NRD and their impact on ag and environment issues in NE. (Schmit, R. Peterson, Burrows, etc.) Agriculture and Environment

LR 173 - Study of cases and effects of the rising incidence of pseudorabies among swine in NE. (Maresh, Kahle) Agriculture and Environment

LR 174 - Study of state and federal highway systems and their effect on growth of metropolitan areas in NE. (Newell) Transportation Advisory

LR 175 - Study problem of deteriorated areas of NE cities and villages and analyze sufficiency of present community development laws. (Newell) Urban Affiars

LR 176 - Study effect of present tax structure on community development and of tax incentives to encourage redevelopment of substandard areas in NE cities and villages. (Newell) Urban Affairs

LR 177 - Study effects on tax base and revenue collection in nearby incorporated municipalities of SID bounding and assessments. (Newell) Urban Affairs

LR 178 - Examine issues related to management, conservation and beneficial use of NE water resources. (Public Works, Kremer) Public Works

LR 179 - Soil implementation and water conservation practices, and state's role in assisting with implementation (LB 148). (Beutler) Agriculture and Environment

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 551	Tuesday, May 19, 1981	7:00 p.m.
LB 552	Tuesday, May 19, 1981	7:00 p.m.
LB 553	Tuesday, May 19, 1981	7:00 p.m.
LB 554	Tuesday, May 19, 1981	7:00 p.m.

(Signed) Elroy Hefner, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 129A. By Nichol, 48th District.
This bill introduced on behalf of: LB 129.

A BILL FOR AN ACT to appropriate fund to aid in carrying out the provisions of Legislative Bill 129, Eighty-seventh Legislature, First Session, 1981.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 165, 234, 234A, 273, 273A, 336, and 459A.

Correctly Engrossed

The following bills were correctly engrossed: 181, 224, 303, 326, 360, 394, 396, 411, and 485.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 165

The following changes, required to be reported for publication in the Journal, have been made:

In line 6 of the Warner amendment adopted 5/11/81, "then" has been stricken.

Enrollment and Review Changes to LB 181

The following changes, required to be reported for publication in the Journal, have been made:

In E & R amendments, line 17, "to require reports; to change certain provisions relating to public power districts; to provide definitions; to provide duties; to change provisions relating to delinquent assessments;" has been inserted after the first semicolon.

Enrollment and Review Changes to LB 224

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 2, line 17, an underscored comma has been inserted after "practicable".

Enrollment and Review Changes to LB 234

The following changes, required to be reported for publication in the Journal, have been made:

1. In the title, line 2, "section" has been stricken and "sections 48-121 and" inserted; and in line in line 5 "section" has been stricken and "sections" inserted.

Enrollment and Review Changes to LB 234A

The following changes, required to be reported for publication in the Journal, have been made:

The Fowler amendments have been inserted on page 2 rather than page 1.

Enrollment and Review Changes to LB 273

The following changes, required to be reported for publication in the Journal, have been made:

Section 30 added by the DeCamp amendment has been renumbered as Section 31.

Enrollment and Review Changes to LB 303

The following changes, required to be reported for publication in the Journal, have been made:

1. In the committee amendments, on page 1, line 21, the underscored period has been stricken;
2. In the committee amendments, on page 10, line 3, "strike line 1" has been stricken and "line 1, strike the new material" inserted.

Enrollment and Review Changes to LB 326

The following changes, required to be reported for publication in the Journal, have been made:

In lieu of amendments renumbering sections,

(1) Original section 5 has been renumbered as section 4 and new section 6 as designated in the Beutler amendment as section 5;

(2) On page 4, line 18, "in" has been stricken;

(3) In the title, lines 6 and 7, "establish a coordinating committee" has been stricken and "provide for a water planning and review process" has been inserted; in line 8 "and" has been stricken; and in line 9 "; and to declare an emergency" has been inserted after "sections".

(4) On page 4, line 22, the first semicolon has been stricken and an underscored comma inserted.

Enrollment and Review Changes to LB 336

The following changes, required to be reported for publication in the Journal, have been made:

In the Stoney amendment adopted 5/11, underscoring has been supplied and all matter stricken has been shown as stricken.

Enrollment and Review Changes to LB 360

The following changes, required to be reported for publication in the Journal, have been made:

(1) Sections have been renumbered in proper order;

(2) In committee amendments, page 1, line 5, "section" has been inserted before "66-441";

(3) Sections 66-428 has been made to carry amendments made thereto by both the Warner and Schmit amendments thereto adopted 5/7/81;

(4) The repeal section and all amendments thereto have been stricken and the following inserted:

"Sec. 13. That original sections 66-401, 66-403, 66-404, 66-410.03, 66-441, 66-442, 66-609, 66-611, and 66-618, Reissue Revised Statutes of Nebraska, 1943, section 66-410.02, Revised Statutes Supplement, 1980, and sections 66-410 and 66-428, Revised Statutes Supplement, 1980, as amended by sections 1 and 2, respectively, Legislative Bill 104, Eighty-seventh Legislature, First Session, 1980, and also sections 66-405.01, 66-504, and 66-634, Reissue Revised Statutes of Nebraska, 1943, are repealed.";

(5) In the title, lines 2 to 11 and amendments thereto have been stricken and the following inserted:

"FOR AN ACT to amend sections 66-401, 66-403, 66-404, 66-410.03,66-441, 66-442, 66-609, 66-611, and 66-618, Reissue Revised Statutes of Nebraska, 1943, section 66-410.02, Revised Statutes Supplement, 1980, and sections 66-410 and 66-428, Revised Statutes Supplement, 1980, as amended by sections 1 and 2, respectively, Legislative Bill 104, Eighty-seventh Legislature, First Session, 1980, relating to motor vehicle and special fuels; to redefine a term; to provide duties; to change dealer security provisions; to change tax provisions; to change permit requirements; to permit changes of the period covered by certain reports; to change a penalty provision; and to repeal the original sections, and also sections 66-405.01, 66-504, and 66-634, Reissue Revised Statutes of Nebraska, 1943.".

Enrollment and Review Changes to LB 394

The following changes, required to be reported for publication in the Journal, have been made:

In E & R amendments, page 1, line 7, "unemployment" has been stricken and "employment" inserted; and in lines 9 and 10 "to provide for refund benefits;" has been stricken.

Enrollment and Review Changes to LB 411

The following changes, required to be reported for publication in the Journal, have been made:

In the title, lines 3 and 4, "and other evidence" has been stricken as surplusage.

Enrollment and Review Changes to LB 485

The following changes, required to be reported for publication in the Journal, have been made:

(1) On page 2, lines 5 and 10, "such line" has been inserted after "and".

(2) On page 5, line 26, "and" has been inserted after the first comma.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 12, 1981, at 3:00 p.m., were the following bills: 207, 207A, 188, 188A, 144, 144A, 204, 204A, 197, 197A, 245, 245A, 168, 168A, 157, 157A, 427, 427A, 292, 292A, 317, 317A, 22, 22A, 158, 158A, 253, and 253A.

(Signed) Hazel Kaltenberger, Enrolling Clerk

GENERAL FILE

LEGISLATIVE BILL 243. Title read. Considered.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Schmit requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Beutler
Beyer
Burrows
Chronister
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Higgins
Johnson, L.
Labedz
Lamb
Maresh
Peterson, R.
Remmers
Schmit
Stoney
Von Minden
Wesely

Voting in the negative, 20:

Carsten
Clark
Cope
Dworak
Haberman
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Landis
Marsh
Newell
Peterson, H.
Sieck
Vickers
Wagner
Warner
Wiitala

Present and not voting, 4:

Barrett
Chambers
Marvel
Rumery

Excused and not voting, 2:

Nichol
Pirsch

Failed to advance to E & R for Review with 23 ayes, 20 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 523. Placed on General File as amended. Standing Committee amendments to LB 523:
Req. #2220

1. Strike original section 1 and insert the following new sections:

"Section 1. That section 5-101.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

5-101.01. ~~The~~ Based on the 1980 federal census, the State of Nebraska is hereby divided into three districts of Representatives to the Congress of the United States, each of which districts shall be entitled to elect one Representative. The limits and designations of the three districts shall be as hereinafter provided: The counties of Richardson, Nemaha, Otoe, Johnson, Pawnee, Gage, Lancaster, Saunders, Saline, Jefferson, ~~Thayer,~~ Fillmore, Seward, York, Butler, Dodge, Colfax, Madison, Stanton, Cuming, Thurston, Wayne, Pierce, Cedar, Knox, Dixon, and Dakota and the townships of Salt Creek, South Bend, Greenwood, Elmwood, Tipton, and Stove Creek in Cass County shall constitute the first district. The counties of Douglas, Sarpy, ~~Cass,~~ Burt, and Washington, and the county of Cass except the territory in the first district shall constitute the second district. The counties of Hamilton, Clay, Nuckolls, Merrick, Nance, Boone, Antelope, Boyd, Holt, Wheeler, Greeley, Howard, Hall, Platte, Polk, Adams, Webster, Kearney, Franklin, Phelps, Harlan, Gosper, Furnas, Buffalo, Sherman, Valley, Garfield, Keya Paha, Rock, Brown, Blaine, Loup, Custer, Dawson, Lincoln, Frontier, Red Willow, Hayes, Hitchcock, Chase, Dundy, Logan, Thomas, Cherry, Hooker, McPherson, Grant, Arthur, Keith, Perkins, Deuel, Garden, Sheridan, Dawes, Box Butte, Morrill, Cheyenne, Kimball, Banner, Scotts Bluff, ~~and~~ Sioux, and Thayer shall constitute the third district.

Sec. 2. That original section 5-101.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) Elroy Hefner, Chairperson

GENERAL FILE

LEGISLATIVE BILL 436. Title read. Considered.

Mr. Koch moved to indefinitely postpone LB 436.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The Koch motion to indefinitely postpone prevailed with 20 ayes, 19 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 318. Title read. Considered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, Req. #2379, found in the Journal on page 1763. No objections. So ordered.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1905.

Mr. Beutler requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. DeCamp moved to overrule the Chair.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. DeCamp requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 22:

Beyer
Burrows
Chronister
Cullan
DeCamp
Dworak
Fenger
Higgins
Johnson, L.
Kilgarin
Kremer
Labedz
Lamb
Maresh
Peterson, H.
Pirsch
Rumery
Schmit
Sieck
Stoney
Von Minden
Warner

Voting in the negative, 27:

Barrett
Beutler
Carsten
Chambers
Clark
Cope
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, V.
Kahle
Koch
Landis
Marsh
Marvel
Newell
Nichol
Peterson, R.
Remmers
Vickers
Wagner
Wesely
Wiitala

Not voting, 0.

The DeCamp motion to overrule the Chair lost with 22 ayes, 27 nays, and 0 not voting.

The Chair is sustained.

Mr. Koch renewed his pending amendment found in the Journal on page 1932.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Koch amendment was adopted with 25 ayes, 1 nay, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 448 in the Journal. No objections. So ordered.

Req. #2181

1. Insert the following new section:

"Sec. 4. That section 71-1,104, Revised Statutes Supplement, 1980, be amended to read as follows:

71-1,104. Each applicant for a license to practice medicine and surgery shall (1) present proof that he or she is a graduate of an accredited school or college of medicine or, if a foreign medical graduate, provide a copy of a permanent certificate issued by the Educational Commission on Foreign Medical Graduates that is currently effective and relates to such applicant, or provide such credentials as are necessary to certify that such a foreign medical graduate has successfully passed the Visa Qualifying Examination, or its successor or equivalent examination, required by the United States Department of Health, Education and Welfare and the United States Immigration and Naturalization Service, or, if a graduate of a foreign medical school who has successfully completed a program of American medical training designated as the Fifth Pathway and who additionally has successfully passed the Educational Commission on Foreign Medical Graduates examination, but has not yet received the permanent certificate attesting to the same, provide such credentials as certify the same to the Department of Health, or provide such credentials as certify the same to the Department of Health if he or she has completed all the formal requirements except internship or social service, of a foreign medical school recognized by the World Health Organization, has successfully passed the Educational Commission on Foreign

Medical Graduates examination, and has completed an academic year of supervised clinical training in a hospital affiliated with a medical school approved by the Council on Medical Education of the American Medical Association; (2) unless waived by the Board of Examiners in Medicine and Surgery with the approval of the Department of Health present proof that he or she has served at least one year of graduate medical education approved by the Board of Examiners in Medicine and Surgery, except that the Board of Examiners in Medicine and Surgery shall not waive such requirement in the case of a foreign medical graduate; and (3) pass an examination prescribed and conducted by the Board of Examiners in Medicine and Surgery, and approved by the Department of Health covering appropriate medical subjects.".

2. On page 11, line 14, strike "7" and insert "8".

3. On page 12, line 15, after "71-162," insert "71-1,104,".

4. Renumber original sections 4 to 12 as 5 to 13 respectively.

Mr. Sieck asked unanimous consent to print the following amendment to LB 411 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. On page 2, line 25, after the period insert "In the event that the trial court entertains any such motion after the commencement of trial, the defendant shall be deemed to have waived any jeopardy which may have attached.".

2. On page 3, line 6, strike "either party" and insert "the state" and strike ", when"; in line 7 strike "a felony is charged," and "or denying"; in line 12 strike "or denied"; in line 13 strike "defendant,"; in lines 17 and 27 strike "or denying"; and in line 24 after the period insert "Upon conviction after trial, the defendant may on appeal to the Supreme Court challenge the correctness of the order by the Judge of the Supreme Court by preserving the question in his or her motion for a new trial.".

3. On page 4, line 12, strike "or denying"; in line 15 strike "defendant," and strike the second comma.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 376 in the Journal. No objections. So ordered.

1. On page 2, lines 10, 11, and 18, strike "teller" and show as stricken; strike beginning with "not" in line 19 through "be" in line 21, show as stricken, and insert "commencing (i) in 1981 not more than three detached auxiliary offices, and (ii) in 1982 not more than four detached auxiliary offices, at which all banking transactions allowed by law may be made. Such auxiliary offices shall be"; in lines 22 through 27 strike the new matter and reinstate the stricken matter; in line 24 after the reinstated "two" insert "or more"; and in line 25 strike the reinstated "teller" and show as stricken.

2. On page 3, line 1, before "office" insert "No auxiliary"; in line 2 strike "nonparticipating" and show as stricken; in line 3 strike "teller" and show as stricken; and strike beginning with "The" in line 3 through the period in line 8 and show the old matter as stricken.

3. On page 9, strike beginning with "A" in line 18 through line 25 and insert "Any bank holding company, except an existing out-of-state bank holding company, shall be allowed to own or control not more than three banks located in the State of Nebraska prior to January 1, 1983. The maximum number of banks located in the State of Nebraska that such a bank holding company may own or control shall be increased by one each year beginning January 1, 1983, to a maximum number of nine banks located in the State of Nebraska on December 31, 1988, or thereafter. An existing out-of-state bank holding company as described in this section shall be allowed to own or control not more than five banks located in the State of Nebraska until January 1, 1983, and thereafter the maximum number of such banks that an out-of-state bank holding company may own or control shall be increased by one each year beginning January 1, 1983, up to a maximum number of nine such banks on December 31, 1986, or thereafter. Acquisition right or rights provided herein to any bank holding company including any out-of-state bank holding companies may be carried forward if not exercised to subsequent year or years to be exercised on a cumulative basis. A bank holding company, including an out-of-state bank holding company, may not acquire any bank which has been chartered by this state or the Comptroller of the Currency of the United States of America for less than five years.".

4. Strike the Standing Committee amendment.

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 118 Wednesday, May 20, 1981 1:00 p.m.
State Labor Contracts

(Signed) Richard Maresh, Chairperson

UNANIMOUS CONSENT - Withdraw Amendment to LB 318

Mr. Koch asked unanimous consent to withdraw his pending amendment to LB 318 found in the Journal on page 1773. No objections. So ordered.

VISITORS

Visitors to the Chamber were Sang Hyuk Lee from Seoul, Korea; 8 high school students and sponsors from Omaha Christian School; 5 students and teachers from Christian Liberty Academy, Columbus; 2 members of the Friendship Force Family from Seoul, Korea; 10 students, sponsors, and teacher from First Church of God Christian Academy, Kearney; 8 students and teachers from Calvary Academy, Grand Island; 11 students and teachers from Districts 9 and 43, Wisner; 5 students and teachers from Christian Liberty Academy, Leigh; 16 fourth grade students and teachers from Hawthorne Elementary School, Lincoln; 7 students and teachers from York Christian Academy, York; Ali E. Hassan and Ahmed E. Ahmed from the Democratic Republic of Sudan; Hassan Abdel-Ghaffar from Cairo, Egypt; Young Soo Kim, Sung Soon Kim, John Prouty, and Stephanie Prouty; 85 students and teacher from Falls City; Mr. and Mrs. Kim, Mr. and Mrs. Bae-Pusan, and Mr. and Mrs. Lee from Korea; 66 students and teachers from Papillion La Vista; 25 students and teacher from Conquerors Christian Academy, Lincoln; and 6 students and sponsors from Nebraska Families For Christian Education, Columbus.

ADJOURNMENT

At 4:39 p.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Wednesday, May 13, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTIETH DAY - MAY 13, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 13, 1981

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Father Maurice Current, Cathedral of the Risen Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Beyer who was excused; and Miss Kilgarin, Mesdames Higgins, Labedz, Messrs. Chambers, Hoagland, V. Johnson, Marvel, and Newell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1973, line 7, strike "Judiciary" and insert "Special Committee".
The Journal for the Seventy-Ninth Day was approved as corrected.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 113 and 113A.

MOTION - Return LB 529 to Select File

Mr. Chronister moved to return LB 529 to Select File for the pending Fenger-Chronister-L. Johnson amendment found in the Journal on page 1962.

Mr. Kremer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 6 nays, and 15 not voting.

Mr. Chronister moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chronister requested a roll call vote.

Voting in the affirmative, 22:

Barrett
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Johnson, L.
Kremer
Labedz
Lamb
Maresh
Marvel
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden

Voting in the negative, 22:

Beutler
Burrows
Carsten
Chambers
Fowler
Haberman
Hoagland
Johnson, V.
Kahle
Koch
Landis
Marsh
Newell
Pirsch
Rumery
Schmit
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Present and not voting, 2:

Hefner
Nichol

Excused and not voting, 3:

Beyer
Higgins
Kilgarin

The motion to return to Select File lost with 22 ayes, 22 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

MOTION - Return LB 273 to Select File

Mr. Chambers moved to return LB 273 to Select File for the following specific amendment:

In case of death, injury or property damage to any innocent third party as a result of action taken by a law enforcement officer during vehicular pursuit, damages shall be paid to such third party by the state or political subdivision employing the officer.

The motion prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 273. The Chambers specific amendment found in this day's Journal was adopted with 27 ayes, 1 nay, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hoagland, Cullan, Hefner, and Mrs. Pirsch asked unanimous consent to print the following amendment to LB 213 in the Journal. No objections. So ordered.

(Amendments to Standing Committee amendments REQ 2279)
Req. #2398

1. Strike section 2 and insert the following new section:

"Sec. 2. That section 29-2203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2203. Any person prosecuted for an offense may plead that he or she is not ~~guilty~~ responsible by reason of insanity ~~or mental derangement~~ at the time of the offense. No evidence offered by the defendant for the purpose of establishing his or her insanity ~~or mental derangement~~ shall be admitted in the trial of the case unless notice ~~thereof shall have been~~ of intention to rely upon the insanity defense is given ~~by the defendant as provided in this section~~ to the county attorney and filed with the court not later than sixty days before trial.

~~At the time of defendant's arraignment, or not later than ten days before trial, defendant shall notify the county attorney of his intention to rely upon the defense of insanity or mental derangement as one of his defenses and file such notice.~~ Upon the filing of the notice the court, on motion of the state, may order ~~and good cause shown, may cause~~ the defendant to be examined at a time and place designated in the order, by one or more ~~disinterested,~~ qualified experts, ~~not exceeding three,~~ appointed by the court, ~~at a time and place designated in the order,~~ to inquire into the sanity or insanity of the defendant at the time of the commission of the alleged offense. ~~or offenses.~~ The court may order that the examination be conducted at one of the regional centers or at any appropriate facility. The presence of counsel at the examination shall be within the discretion of the court. The results of such

~~examinations~~ examination shall be sent to the court and to the prosecuting attorney. ~~filed with the court and copies given to the state and to the defendant.~~ In misdemeanor or felony cases, the defendant may request the court to order the prosecuting attorney to permit the defendant to inspect and copy the results of such examination pursuant to the procedures set forth in sections 29-1912 to 29-1921. In the interest of justice and good cause shown the court may waive the requirements provided in this section.

~~When the defense is insanity of the defendant, the jury must be instructed, if it acquits him on that ground, to state the fact in its verdict. If the defendant is found not guilty by reason of insanity, the court shall forthwith (1) commit defendant to the care and custody of the Director of Medical Services for a period not to exceed thirty days, and (2) certify the verdict to the mental health board of the county and order that board to determine whether the person so acquitted is a mentally ill dangerous person and a fit subject for custody and treatment in a hospital. The certificate and order shall be considered by the mental health board as a petition for admission as provided in section 83-1025.~~ If the trier of fact acquits the defendant on the grounds of insanity, the verdict shall reflect whether the trier acquits him or her on that ground alone or on other grounds as well. When the defendant is acquitted solely on the ground of insanity, the court shall have exclusive jurisdiction over the defendant for disposition consistent with the terms of this section and sections 3 to 5 of this act.".

2. On page 3, line 15 after "whether" insert "there is probable cause to believe the person is dangerous to himself, herself, or others by reason of mental illness or defect, or will be so dangerous in the reasonable future. If the court finds probable cause the court shall determine whether"; in line 17 strike "one of the" and insert "a" and strike "centers" and insert "center or other appropriate facility"; in line 18 strike "sixty" and insert "ninety"; in line 25 strike "defendant" and insert "person" and strike "regional"; and in line 26 strike "center" and insert "place of confinement" and after the period insert The order of commitment specifying the conditions of confinement shall include a finding by the court that any freedom of movement accorded the person outside a locked facility is consistent with the safety of the public.".

3. On page 4, line 1 after "center" insert "or the director of the facility"; in line 15 strike "protection" and insert "safety"; in line 20 strike

"filed with" and insert "received by"; in line 21 strike "sixty-day"; in line 23 strike "county" and insert "prosecuting"; and in line 27 strike "additional".

4. On page 5, line 5 strike "commitment" and insert "confinement"; in line 8 strike "requested" and insert "separate"; in line 10 strike "filed with" and insert "received by"; in line 11 strike "additional sixty-day"; strike beginning with "Upon" in line 14 through "29-2203" in line 15 and insert "Prior to the expiration of the evaluation period provided for in section 3 of this act"; in line 17 strike "institution" and insert "facility"; in line 18 strike "shall" and insert "may"; and strike beginning with "until" in line 25 through "In" in line 27 and insert "or other appropriate facility.".

5. On page 6, line 1, strike "committing the person the" and insert "the", and strike "review the"; in line 2 strike "treatment plan and shall"; in line 3 strike "his or her" and insert "the person's"; in line 4 strike "regional center" and insert "place of confinement"; in line 5 strike "regional center" and insert "facility"; in line 6 strike "him or her" and insert "the person"; in line 7 after the period insert "The order of commitment specifying the conditions of confinement shall include a finding by the court that any freedom of movement accorded the person outside a locked facility is consistent with the safety of the public." and strike "regional center" and insert "facility"; in line 13 after "upon" insert "its own", after "motion" insert "or upon motion", and strike the comma and insert "or"; strike beginning with "or" in line 14 through "her" in line 15; in line 17 after the period insert "The person shall be entitled to the assistance of counsel at each such proceeding."; and strike lines 18 through 27.

6. On page 7, line 1, strike "(3)" and insert "(2)" and strike "following the" and insert "as a result of such"; and strike beginning with "the" in line 7 through "Services" in line 8 and insert "and appropriate facility".

7. Strike section 6.

8. Renumber remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 39, 39A, and 179.

(Signed) Karen Kilgarin, Chairperson

MOTION - Overrule Speaker's Agenda

Mr. Warner moved to change the Speaker's Agenda to not read any bills on Final Reading carrying an A Bill appropriating General Fund money till final consideration of overrides of any vetoes by the Governor of the mainline appropriation bills (LB's 160e, 161e, 232e, 559e, 163e, 557e, 558e, 560e, 561e, 562e).

Mr. Warner asked unanimous consent to withdraw his pending motion. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 190. With Emergency.

A BILL FOR AN ACT to amend sections 74-1320 and 74-1321, Revised Statutes Supplement, 1980, relating to railroads; to provide for an excise tax as prescribed; to provide a duty; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Higgins
Wesely

Excused and not voting, 3:

Beyer
Kilgarin
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 334. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Coordinating Commission for Postsecondary Education; to create a cash fund; to create a trust fund; to provide duties; to provide limitations; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Higgins
Labedz

Excused and not voting, 3:

Beyer
Kilgarin
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 334A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 334, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 42:

Barrett
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 4:

Beutler
Clark
Higgins
Labedz

Excused and not voting, 3:

Beyer
Kilgarin
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 463.

A BILL FOR AN ACT relating to retirement; to amend sections 79-1521, 85-106, 85-320, and 85-606, Revised Statutes Supplement, 1980; to change provisions relating to contributions to certain retirement systems as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Barrett
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 1:

Peterson, H.

Present and not voting, 3:

Beutler
Labedz
Peterson, R.

Excused and not voting, 3:

Beyer
Kilgarin
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 248. With Emergency.

A BILL FOR AN ACT to amend sections 79-1522, 79-1522.01, and 79-1540, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to increase the service annuity; to change the procedure for determining final average compensation; to provide for full funding of the Service Annuity Fund; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Barrett
Burrows
Carsten
Chambers
Chronister
Clark
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 2:

Cope
Stoney

Present and not voting, 3:

Beutler
Koch
Peterson, R.

Excused and not voting, 3:

Beyer
Kilgarin
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 248A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 248, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Barrett
Burrows
Carsten
Chambers
Chronister
Clark
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck

Vickers Von Minden Wagner Wesely Wiitala

Voting in the negative, 2:

Cope Stoney

Present and not voting, 4:

Beutler DeCamp Koch Labedz

Excused and not voting, 3:

Beyer Kilgarin Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATION OF VOTE ON LB 248

Had I been present I would have voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

EXPLANATION OF VOTE ON LB 248A

Had I been present I would have voted nay because of my concern and objection to the consideration and passage of new or expanded programs and a revenue reduction before the final resolution of the critical issue of the appropriations for existing state responsibilities and programs within the limits of existing tax rates and revenue receipts.

(Signed) Jerome Warner

MOTION - Return LB 346 to Select File

Mr. Nichol moved to return LB 346 to Select File for the following specific amendment:

(FINAL READING COPY)

1. On page 21, line 11, strike "their" and insert "such juvenile's".

2. On page 27, line 12, strike "their" and insert "such juvenile's".

3. On page 31, strike beginning with "Notwithstanding" in line 23 through the period in line 25.

4. On page 35, line 22, after "Institutions" insert "or the Department of Correctional Services under section 43 of this act".

The motion prevailed with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 346. The Nichol specific amendment found in this day's Journal was adopted with 27 ayes, 4 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

GENERAL FILE

LEGISLATIVE BILL 129A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 6 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 487A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 556A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 184. Title read. Considered.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Burrows moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Advanced to E & R for Review with 25 ayes, 14 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 487 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2401.)

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will have a special meeting to discuss interim study resolutions for Monday, May 18, 1981, at noon.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 129. Placed on Select File as amended.
E & R amendment to LB 129:

1. In the title, strike lines 2 to 11 and insert:

"FOR AN ACT to amend section 53-160, Revised Statutes
Supplement, 1980, relating to alcoholic liquors;
to increase the tax rates; and to repeal the original
section.".

LEGISLATIVE BILL 118. Placed on Select File.

LEGISLATIVE BILL 318. Placed on Select File as amended.
E & R amendment to LB 318:

1. In the title, line 2, strike "sections 79-486 and" and insert "section"; strike line 4 and insert "and section 79-1333,"; strike beginning with the first "to" in line 6 through the semicolon in line 9; and strike beginning with "to" in line 15 through the semicolon in line 17.

(Signed) Karen Kilgarin, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 190, 248, 248A, 334, 334A, and 463.

GENERAL FILE

LEGISLATIVE BILL 376. Title read. Considered.

Standing Committee amendment found in the Journal on page 771 for the Thirty-Eighth Day was considered.

Mr. Barrett renewed his pending amendment found in the Journal on page 1707 to the Standing Committee amendment.

Mr. DeCamp requested a ruling of the Chair on whether the Barrett amendment is germane to the Standing Committee amendment.

The Chair ruled the amendment not germane to the Standing Committee amendment.

Mr. Barrett moved to overrule the Chair.

Mr. Barrett asked unanimous consent to withdraw his motion to overrule the Chair. No objections. So ordered.

The Standing Committee amendment was adopted with 28 ayes, 4 nays, 12 present and not voting, and 5 excused and not voting.

Mr. Haberman asked unanimous consent to withdraw his pending amendments (1), (2), and (3) found in the Journal on page 835. No objections. So ordered.

Mr. Barrett renewed his pending amendment found in the Journal on page 1707.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Mr. Barrett moved for a Call of the House. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Mr. Barrett requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Barrett
Chronister
Clark
Goll
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Lamb
Maresh
Nichol
Peterson, R.
Remmers
Rumery
Sieck
Von Minden
Wagner

Voting in the negative, 25:

Beutler
Burrows
Chambers
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hoagland
Koch
Kremer
Labedz
Landis
Marsh
Newell
Peterson, H.
Pirsch
Schmit
Stoney
Wesely
Wiitala

Present and not voting, 2:

Carsten
Marvel

Excused and not voting, 4:

Beyer
Kilgarin
Vickers
Warner

The Barrett amendment lost with 18 ayes, 25 nays, 2 present and not voting, and 4 excused and not voting.

Laid over.

The Chair declared the Call raised.

VISITORS

Visitors to the Chamber were Pastor Everett Brailey from Auburn; 22 fourth grade students, teachers, and sponsors from Ceresco; 47 ninth grade students and teacher from West Point Jr. and Sr. High School, West Point; Jack Hart; Mike and Ann Boyle from Omaha; 18 fourth and sixth grade students, teacher, and sponsors from District #3, Norfolk; 51 fourth grade students, teacher, and sponsors from Westmont Elementary, Springfield; Gerard Sussillo from Brooklyn, New York; and Crystal George from Salisburg, Missouri.

RECESS

At 12:09 p.m., on a motion by Mr. Fowler, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:48 p.m., President Luedtke presiding.

ROLL CALL

The roll was called all members were present except Mr. Beyer who was excused; and Messrs. Beutler, Warner, and Miss Kilgarin who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 129A. Placed on Select File.
LEGISLATIVE BILL 487A. Placed on Select File.
LEGISLATIVE BILL 556A. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted "Aye" on the advancement of LB 243.

(Signed) Richard Marvel

GENERAL FILE

LEGISLATIVE BILL 376. Considered.

Messrs. Fitzgerald and DeCamp asked unanimous consent to withdraw their pending amendment found in the Journal on page 1841. No objections. So ordered.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1982.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 23 ayes, 4 nays, and 22 not voting.

The DeCamp amendment was adopted with 25 ayes, 19 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 18 nays, and 10 not voting.

Mr. Maresh asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 29 ayes, 7 nays, and 13 not voting.

Mr. Dworak requested a roll call vote on the advancement of LB 376.

Voting in the affirmative, 26:

Beutler
Burrows
Chambers
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hoagland
Koch
Labedz
Landis
Marsh
Marvel
Newell
Peterson, H.
Pirsch
Rumery
Schmit
Stoney
Wesely
Wiitala

Voting in the negative, 21:

Barrett
Carsten
Chronister
Clark
Goll
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Lamb
Maresh
Nichol
Peterson, R.
Remmers
Sieck
Vickers
Von Minden
Wagner

Present and not voting, 1:

Warner

Excused and not voting, 1:

Beyer

Advanced to E & R for Review with 26 ayes, 21 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on the Barrett amendment offered to LB 376 on May 13, 1981.

(Signed) Jerome Warner

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 252, 451, 499, 529, and 529A.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 252

The following changes, required to be reported for publication in the Journal, have been made:

(1) The first three words in the sentence beginning in line 7 of section 5 as amended by the Beutler amendment has been changed to read "The Legislature therefore".

Enrollment and Review Changes to LB 451

The following changes, required to be reported for publication in the Journal, have been made:

1. Material on page 16 stricken by the Cullan amendment has been shown as stricken;
2. On page 14, line 27, "if" has been stricken;
3. On page 15, line 1, "if" has been inserted after the comma;
4. Paragraphing has been supplied in the matter added to page 18 by the Cullan amendment and in line 1 thereof an underscored comma has been inserted after "accept";

5. On page 20, line 14, "Bureau" has been stricken and "Board" has been inserted; and

6. In the title, line 10, "and the Department of Health" has been inserted after "Surgery".

Enrollment and Review Changes to LB 499

The following changes, required to be reported for publication in the Journal, have been made:

(1) In S. C. amendments, page 2, line 17, "appropriate" has been stricken and "in which the client resides" has been inserted after "region";

(2) In line 6 of the Landis amendments, found on page 1707 of the Journal, "lesser" has been changed to "less"; and in line 7 the comma has been stricken;

(3) On page 11, line 16, "appropriate" has been stricken and "in which the client resides" has been inserted after "region".

(4) On page 22, line 25, "to" has been stricken and shown stricken.

Enrollment and Review Changes to LB 529

The following changes, required to be reported for publication in the Journal, have been made:

(1) In the title, line 3, "and" has been inserted before "88-516"; and in line 4, "88-517," has been stricken;

(2) In E & R amendments, line 4, "section" has been stricken and "sections" inserted; and in line 10, "to provide penalties; to provide severability;" has been inserted after the semicolon.

(Signed) Emory P. Burnett
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 181.

Introduced by Clark, 47th District; Beutler, 28th District.

WHEREAS, the Five-State Conference consisting of North Dakota, South Dakota, Montana, Wyoming, and Nebraska will be holding their biannual conference September 27-29, 1981 in Rapid City, South Dakota; and

WHEREAS, the Conference has asked the Secretary of Interior, James Watt, to be a guest speaker at the luncheon on September 28 and has asked each state to personally encourage his attendance; and

WHEREAS, the Five-State Conference is extremely interested in coal and oil explorations; and

WHEREAS, the Secretary of Interior could answer many of the questions Legislators would have on this important subject.

NOW, THEREFORE, BE IT RESOLVED, that the Nebraska Legislature encourage the Secretary of Interior to accept the invitation to speak at the Five-State Conference in Rapid City.

Laid over.

MR. CLARK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 412. Title read. Considered.

Mr. Newell renewed his pending amendment found in the Journal on page 1927.

Mr. Newell moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Beutler
Burrows
Carsten
Chambers
Cope
Cullan
DeCamp
Dworak
Fitzgerald
Fowler
Haberman
Hoagland
Johnson, V.
Kahle
Kilgarin
Landis
Maresh
Marsh
Newell
Nichol
Pirsch
Remmers
Sieck
Stoney
Wesely
Wiitala

Voting in the negative, 11:

Clark
Goll
Hefner
Higgins
Johnson, L.
Kremer
Peterson, H.
Rumery
Schmit
Von Minden
Warner

Present and not voting, 10:

Barrett
Chronister
Fenger
Goodrich
Koch
Labedz
Marvel
Peterson, R.
Vickers
Wagner

Excused and not voting, 1:

Beyer

Absent and not voting, 1:

Lamb

The Newell amendment was adopted with 26 ayes, 11 nays, 10 present and not voting, 1 excused and not voting, and 1 absent and not voting.

Mr. Kremer and Mrs. Labedz asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner moved to indefinitely postpone LB 412.

Mr. Warner requested a roll call vote.

Voting in the affirmative, 21:

Barrett
Carsten
Chronister
Clark
Dworak
Fenger
Goll
Hefner
Higgins
Johnson, L.
Lamb
Maresh
Marsh
Marvel
Peterson, H.
Peterson, R.
Rumery
Schmit
Von Minden
Wagner
Warner

Voting in the negative, 24:

Beutler
Burrows
Chambers
Cope
Cullan
Fitzgerald
Fowler
Goodrich
Haberman
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Landis
Newell
Nichol
Pirsch
Remmers
Sieck
Stoney
Vickers
Wesely
Wiitala

Excused and not voting, 4:

Beyer
DeCamp
Kremer
Labedz

The Warner motion to indefinitely postpone lost with 21 ayes, 24 nays, and 4 excused and not voting.

Mr. Schmit asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

The Chair declared the Call raised.

Mr. Warner offered the following amendment:
page 4 line 5 strike "5" insert "3"

Mr. Newell offered the following amendment to the Warner amendment:
Amend the Warner Amendment to strike 3 years and to add 7 years.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 9 ayes, 9 nays, and 31 not voting.

Mr. Newell asked unanimous consent to withdraw his amendment to the Warner amendment. No objections. So ordered.

Amendment pending.

MESSAGES FROM THE GOVERNOR

May 13, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning herewith LB 561 with my line item reductions and with my signature.

On April 8, 1981, I called your attention to the following:

1. Through March, state general fund revenues were over $13 million below projections as of that date. I can now inform you that April receipts were also below projections. For the 1980/1981 fiscal year through April, revenues are approximately $24 million below projections. With this information, there is good and substantial cause for concern and for increased restraint in accomplishing our budget-setting duties.

2. The President's Economic Recovery Plan, which I support, will result in reduced federal revenues for many state programs. The essentiality of flexibility in preserving our budgetary options in the upcoming fiscal year should be apparent to all.

3. Our current income tax projections do not reflect the President's tax cut proposals. Such changes in federal tax liability are inevitably reflected in our own income tax rates which, as you know, piggy-back the federal income tax system.

For these reasons, as stated in April, I will do everything within my constitutional authority to maintain the budgetary limits recommended to you in January and which were generally honored by your own Appropriations Committee.

LB 561 — the state aid bill — contains over one-half of the total proposed general fund operating and state aid budget for fiscal year 1981/1982. My total general fund line item veto reductions to LB 561 are $24,047,608. Included in this total is $20 million for additional state aid to education. I remind you that only last year you increased state aid to education by a total of $40 million or almost 73 percent — $20 million of which was over my veto. Total state aid and tax relief last year amounted to $70 million, not including the additional relief afforded Nebraska income taxpayers by action of the State Board of Equalization. We have just sent local governments checks totalling $60 million with another $10 million being processed in early June. There is no compelling reason to again increase aid to education with the swift and certain increase in state taxes such increased aid will mandate.

My other general fund line item veto reductions are: Department of Public Institutions - $777,258; Department of Roads - $187,970; Natural Resources Commission - $1,325,000; Department of Public Welfare - $1,757,380.

During the prior legislative session, I used my veto authority to reduce the appropriation for LB 789 to a level that provided for an increase in the Aid to Dependent Children grant from $250 to $270 monthly for a parent and one dependent. In my budget recommendations submitted to you in January, I provided for an increase in the basic grant from $270 to $280 and the Appropriations Committee adopted this recommendation. In addition, the Committee increased the grant for additional dependents by five dollars. I have reduced the appropriation for this program to an amount consistent with the Appropriations Committee recommendation.

The appropriation for the Natural Resources Commission in the Water Conservation Fund and the Resources Development Fund has been reduced by $1,325,000. My original recommendation for Water Conservation and Resources Development earmarked two cents of the cigarette tax to provide approximately $3.6 million annual revenue. That proposal would have provided a dedicated revenue source for long-term construction projects and was approximately 30 percent greater than the current year's appropriation.

Your actions provide for a 94 percent overall increase in these programs with a 135 percent increase to the Development Fund alone. I have reduced the Conservation Fund appropriation by $325,000 to the current level of funding and the Resources Development Fund by $1.0 million, which is still a 76 percent increase above the current level of funding.

Assistance to Local Transit Authorities in the Department of Roads has been reduced by $187,970, to my original recommendation of $1,788,750, in light of the provisions of LB 722.

I have reduced the appropriation for Community Mental Retardation Services in the Department of Public Institutions by $777,258 from $14,202,258 to $13,425,000, which was my original recommendation. This recommendation includes support for all persons moved from the Beatrice State Developmental Center into community-based facilities through fiscal year 1979/1980. My recommendation also provides for the level of staffing adopted by the Accreditation Council for services for mentally retarded and other developmentally disabled individuals.

The recent Touche-Ross Report brought to light the existence of major inequities in state funding between and among regions. For example, clients in one region were found to receive only one-fourth of the staff care that clients in another region obtained. Similar variations were found in the cost of various types of community services. Therefore, my regional recommendations have been structured to correct these obvious inequities in state support and program costs on a phased approach over a five year period.

Mr. President, Mr. Speaker and Senators, for the reasons enumerated, it is imperative to closely toe the line on appropriations as have been outlined to you. I have signed the other major operating and capital construction bills as passed by you and generally recommended by your Appropriations Committee. Let me congratulate you and the Appropriations Committee for your self-restraint in the face of the many hard decisions confronting you on these bills. Similar restraint on in sustaining these line item veto reductions and on the other spending bills currently before you is in order and will be much appreciated.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:dld

May 13, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 160, 161, 163, 232, 557, 558, 559, 560, and 562 were received in my office on May 7, 1981.

These bills were signed by me on May 13, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 13, 1981, at 4:00 p.m., were the following bills: 113, 113A, 190, 334, 334A, 463, 248, and 248A.

(Signed) Hazel Kaltenberger, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Wagner asked unanimous consent to print the following amendment to LB 302 in the Journal. No objections. So ordered.

Amendments to Standing Committee Amendments

1. On page 2, line 24, strike "megavolts" and insert "kilovolts".

2. Insert new sections as follows:

"Sec. 6. That section 70-623, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-623. The fiscal year of the district shall coincide with the calendar year. The board of directors, at the close of each year's business, shall cause an audit of the books, records and financial affairs of the district to be made by a certified public accountant or firm of such accountants, who shall be selected by the district, subject to the approval of the Auditor of Public Accounts. The audit shall be in a form prescribed by the auditor. ~~, and shall contain and show the items set forth in section 70-623.01.~~ When the audit has been examined and approved by the auditor, written copies thereof shall be placed and kept on file at the principal place of business of the district, and shall be filed with the Auditor of Public Accounts and the Nebraska Power Review Board within one hundred and twenty days after December 31 of each year. The Auditor of Public Accounts shall charge the expense of such audit to such district, and each district shall pay to the Auditor of Public Accounts the reasonable cost thereof.

Sec. 7. That original section 70-623, Reissue Revised Statutes of Nebraska, 1943, is repealed.''.

3. Underscore original sections 1 to 5.

4. In E and R amendment 2, line 2 after the semicolon insert ''to amend section 70-623, Reissue Revised Statutes of Nebraska, 1943;'' and in line 5 after the semicolon insert ''to eliminate an obsolete reference;''.

UNANIMOUS CONSENT - Withdraw Amendment to LB 273

Mr. Chambers asked unanimous consent to withdraw his pending amendment to LB 273 found in the Journal on page 999. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mr. and Mrs. Huan Kyo Lee from Seoul Korea; Mrs. Magliveras, host from Friendship Force; 15 students and teacher from Blair; Randy Lorenzen from Lefler Jr. High, Lincoln; 50 students and teachers from Holling Heights School, Millard; Ellen Partsch from St. Paul; Marge Zumzow; Polly Partsch; and Mr. and Mrs. Henry Beach from Sterling, Illinois.

ADJOURNMENT

At 4:13 p.m., on a motion by Mr. Remmers, the Legislature adjourned until 9:00 a.m., Thursday, May 14, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIRST DAY - MAY 14, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 14, 1981

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Reverend Iain Campbell, United Church of Christ, Avoca, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Kremer who was excused; and Miss Kilgarin, Messrs. Burrows, Chambers, Hoagland, Lamb, and Newell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eightieth Day was approved.

MESSAGE FROM THE GOVERNOR

May 13, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 157, 157A, 168, and 168A were received in my office this week.

These bills were signed by me on May 13, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

ATTORNEY GENERAL'S OPINIONS

Opinion No. 95

May 11, 1981

Dear Senator Hoagland:

You have requested the opinion of this office concerning the constitutionality of LB213 which would alter the procedures governing commitment, review and release of persons acquitted of crimes solely due to insanity. You have specifically asked that we address the constitutionality of the: general approach taken by the bill, standard of commitment, and retrospective application. We conclude that the bill is constitutionally suspect in that it: provides only those rights associated with sentencings, allows for precommitment detention for up to 60 days, limits mandatory review of status to once each year, and does not require evidence of a recent overt act or threat demonstrating dangerousness to self or others. The proposed retrospective application is constitutionally permissible assuming that the foregoing defects are cured.

Nebraska law presently provides that an acquittal by reason of insanity precludes criminal liability. This approach is continued in LB213. The bill premises subsequent restrictions of liberty solely upon a determination that the defendant is dangerous to self or others by reason of mental illness or defect, or will be so dangerous in the reasonable future. (We do not express an opinion on whether incarceration could constitutionally be based solely upon the finding that the criminal act was committed regardless of insanity.)

The determination upon which LB213 premises liberty restrictions would not be made in a criminal trial. Thus, a separate hearing with the full panoply of due process rights is required. Additionally, the approach taken by the bill makes the class of persons it proposes to commit similar to the class of persons facing involuntary civil commitment. As such, these classes must be afforded substantially equal treatment. There must be a rational relationship between a legitimate state purpose and differences in treatment in order to satisfy constitutional equal protection. See, Powell v. Florida, 579 F.2d 324 (5th Cir. 1978); Bolton v. Harris, 395 F.2d 642 D.C.Cir. 1968).

The constitutional rights of persons facing involuntary commitments were addressed in Doremus v. Farrell, 407 F.Supp. 509 (D.Neb. 1975). It was held that they had the right to: notice of the preliminary hearing; notice of the grounds, reasons and necessity of emergency detention; notice of the time and location of hearings; notice of the standard of commitment; counsel, at state expense if indigent, and notice thereof; a probable cause hearing within five days of detention; a final hearing within 14 days of the preliminary hearing; be personally present at all hearings; confront and cross-examine adverse witnesses; compel attendance of witnesses during final hearing; present evidence on their own behalf; application of the rules of evidence, and; require that serious threat of substantial harm to self or others be evidenced by a recent overt act or threat.

The aforementioned rights, as well as the rights to discovery and mandatory review of status at any time, have been statutorily enacted in the Nebraska Mental Health Commitment Act, Neb.Rev.Stat. §83-1001, et seq. (Reissue 1976) (NMHCA). Questions of procedural and substantive due process aside, the existence of the NMHCA requires an equal protection comparison with LB213.

The bill does not pass this comparison. Section 6 of LB213 provides only those rights associated with sentencing proceedings. This would not include the right to: confront and cross-examine adverse witnesses, present evidence on one's own behalf, compel attendance of witnesses, discovery, and application of the rules of evidence. We believe that LB 213 is constitutionally suspect for its failure to provide these rights.

The bill is also suspect in that it does not require evidence of a recent overt act or threat demonstrating dangerousness to self or others. Although there are substantive due process questions concerning the lack of this requirement, (see Doremus, supra; Statmus v. Leonhardt, 414 F.Supp. 439 (S.D.Ia. 1976); Lessard v. Schmit, 349 F.Supp. 1078 (E.D.Wis. 1972), we dispose of the issue on equal protection grounds. We cannot discern a rational legitimate reason for this difference in treatment between persons facing commitment under LB213 and those facing commitment under the NMHCA. It can be argued that persons subject to LB213 have committed the act for which they were criminally charged, and that this act can be substituted for the recent act requirement. However, that argument does not survive close analysis. The act may have been committed months or even years prior to the commitment proceedings. Afortiori, it may be too remote in time to be valid for commitment purposes. Additionally, the act may not adequately demonstrate dangerousness to self or others. Insanity acquittals are not limited to cases involving serious danger to self or others. The underlying act could be almost any crime, including relatively minor property offenses. Statutes under which commitment can be based solely on danger to property without regard to its significance or value have been held unconstitutional. Suzuki v. Yuen, 716 F.2d 173 (9th Cir. 1980). We therefore conclude that LB213 is constitutionally suspect for the lack of a requirement that dangerousness be evidenced by a recent overt act or threat. (We note that in those cases where the underlying criminal act is recent in time and demonstrates dangerousness, evidence thereof could be introduced into the commitment proceedings as satisfaction of the recent act requirement).

Section 3 of LB213 which allows commitment for up to 60 days for purposes of evaluation is constitutionally suspect on equal protection grounds. (Again, we do not address the substantive due process questions due to disposal on other grounds). The bill provides that after acquittal the "court shall forthwith conduct a hearing to determine whether and under what conditions of confinement the acquitted person should committed to one of the regional centers for a period not to exceed 60 days." Standards by which this determination is to be made are not stated. We are unable to assume a probable cause standard. Consequently, detention for a period beyond five days is constitutionally suspect on grounds of equal protection. Assuming that a probable cause standard were inserted, we believe that detention beyond an additional 14 days is likewise constitutionally suspect. Our belief is based on the fact that we cannot discern a legitimate rational reason justifying this substantial difference in treatment. In fact, logic dictates the opposite. Persons who have been acquitted due to insanity have uniformly undergone prior evaluations while subjects of NMHCA petitions have not. It is therefore difficult to justify detention under LB213 for a period of 60 days while persons facing commitment under the NMHCA are entitled to a final hearing within 14 days. We conclude that the 60 day precommitment detention period is constitutionally suspect.

Section 5 of LB213 requires mandatory review of status only once per year. We do not see a legitimate rational reason for granting persons committed under the NMHCA a mandatory status review at any time, while limiting such review to once a year for persons committed under LB213. We believe that this limitation is constitutionally suspect.

The retrospective application proposed by Section 7 of LB213 is constitutionally permissible assuming that the previously addressed constitutional problems are cured. The provisions to be retroactively applied cannot be considered ex post facto under current laws since they do not involve a criminal matter. The rights persons would lose under the otherwise constitutional provisions of LB213 have not vested so as to make their removal constitutionally impermissible. Our conclusions would substantially differ if the bill were passed without addressing the previously stated problems.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Martel J. Bundy
Assistant Attorney General

MJB:kkh
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 96
May 12, 1981

Re: Constitutionality of LB 252

Dear Senator Kremer:

We are responding to your letter requesting an opinion on the constitutionality of LB 252. We have reviewed this proposal and the amendments adopted thereto effective May 8, 1981. You question whether the act may violate the equal protection clause or the due process clause of the Fourteenth Amendment.

A questionable portion of this act appears to be in section 6 wherein the Legislature:

> recognizes . . . that the transfer of water to outside the boundaries of a river basin may have impacts on the water and other resources in the basin and that such impacts differ from those caused by uses of water within the same basin in part because any unused water will not be returned to the stream from which it is taken for further use in that river basin. . . .

and delineates seven factors which must be considered by the Director of Water Resources when evaluating an application for transfer of water from one river basin to another. The act would specifically provide: "The application shall be denied if the benefits to the state from granting the application do not outweigh the benefits to the state from denying the application.

You assert that this language as well as others contained in the act has the effect of creating two classifications of water appropriators (those inside the water basin of origin, and those outside). It then treats these classes differently by specifically providing the considerations to be used in deciding upon an application for interbasin transfer and requiring that such an application be denied if its benefits do not exceed those for leaving the water in the basin of origin.

We first examine whether the bill violates equal protection of the law. In so doing, we review the bill in light of its legislative purpose to provide an equitable system for the use and appropriation of the state's water for all its citizens.

The United States Supreme Court has recognized that absent a legislative classification which "interferes with the exercise of a fundamental right or operates to peculiar disadvantage of a suspect class," equal protection analysis is an inquiry which "employs a relatively relaxed standard reflecting the court's awareness that the drawing of the lines that create distinction is peculiarly a legislative task" which action is "presumed to be valid." Massachusetts Board of Retirement v. Murgia, 427 U.S. 307, 313-314, 49 L.Ed.2d 520, 96 S.Ct. 2562 (1976). This standard is that "the state's classification rationally further the purpose identified by the state." Id. at 314. Perfection in drawing the classification is not necessary.

We perceive no suspect class affected nor an exercise of fundamental property right affected. See Massachusetts Board of Retirement v. Murgia, supra, at footnote 3 and 4. Although the right to appropriate surface water is affected, the water belongs to the people of the state and may be appropriated only so long as it is in the public interest. (Nebraska Constitution, Article XV, Section 6). This right to appropriate surface waters is subject to the conditions placed by the people acting through its legislature and executive agencies created thereby. Neb.Rev.Stat. §46-233, et seq. (Reissue 1978).

Our Nebraska Supreme Court has recognized that the Legislature may classify where reasonable where it is not done in an arbitrary manner. State ex rel. Douglas v. Marsh, 207 Neb. 598, 608, 300 N.W.2d 181 (1980). Citing a case of City of Scottsbluff v. Tiemann, 185 Neb. 256, 175 N.W.2d 74 (1970), it stated:

> "It is competent for the Legislature to classify objects of legislation and if the classification is reasonable and not arbitrary, it is a legitimate exercise of legislative power. [Citation omitted] The classification must rest upon real differences in situation and circumstances surrounding members of the class relative to the subject of the legislation which renders appropriate its enactment. [Citations omitted] The power of classification rests with the Legislature and cannot be interfered with by the courts unless it is clearly apparent that the Legislature has by artificial and baseless classification attempted to evade and violate provisions of the Constitution prohibiting local and specific legislation. [Citation omitted] . . . The question is always whether the things or

> persons classified by the act form by themselves a proper and legitimate class with reference to the purpose of the act."

Id. at 608-609.

However, these classifications appear to be real, based on distinctions with substantial differences. Water within any basin is subjected to multiple repeated uses upon its journey through the state. Thus, when water is taken out of a basin by transfer to another basin, its impact is felt many times over. Some of these uses and some of these impacts may not now, nor at the time of the decision, be recognized. For this reason, different treatment for water users of a subject basin inside and outside of that basin may be justified.

It is our conclusion, that there is a reasonable distinction between in-basin and out of basin users and that the proposal bears a reasonable relationship to the legitimate state objectives. We perceive no violation of requirements for equal protection of the law.

We next examine whether this bill is a deprivation of property without due process of law.

As a general rule, the requirements of due process contained in the Fourteenth Amendment of the United States Constitution necessitates some kind of prior hearing with notice before the terminaton of property rights. Board of Regents v. Roth, 408 U.S. 564, 569-579, 33 L.Ed.2d 548, 92 S.Ct. 2701 (1972). Property interests protected by the due process "extend well beyond actual ownership of real estate, chattels or money." Id. at 572. To have property interests protected by this clause, a person must show "more than a mere abstract need or desire for it . . . more than a unilateral expectation for it." Id. at 577. The property must be more than a mere expectation. Perry v. Sindermann, 408 U.S. 593, 603, 33 L.Ed.2d 570, 92 S.Ct. 2694 (1972). It must be a claim "upon which people rely in their daily lives . . . reliance that must not be arbitrarily undermined." Board of Regents v. Roth, supra, at 577. Property interests are not defined by the United States Constitution but by independent sources such as state law. Id.

The Nebraska Constitution provides that the ownership of water belongs to the people, but further provides for regulation by the Legislature. (Nebraska Constitution, Article XV, Section 5 and 6). The Legislature provides for regulation and determination of the public interest by the Department of Water Resources. (Neb.Rev.Stat. §46-233 et seq. (Reissue 1978)). Although a person may acquire a permit to appropriate surface water, he has no ownership right in that surface water. We do not perceive that a person without a permit has any protected property interest in the right to appropriate water from another river basin. Our conclusion in this regard is supported by the recent Supreme Court decision in State ex rel. Sporhase, No. 43206, filed May 8, 1981, which held that a statute preventing a person from transferring groundwater on his own lands out of the state did not violate the due process clause of the Fourteenth Amendment for the reason that the person had "no private property right in the water itself." (Slip Opinion at 9). Our decision is further buttressed by the opportunity for hearing, notice and appeal of any decision of the Director upon application for diversion of water. We therefore see no violation of the due process clause of the Fourteenth Amendment by LB 252.

It is our conclusion that LB 252 would violate neither the equal protection clause nor the due process clause of the Fourteenth Amendment. It would be a valid enactment.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) G. Roderic Anderson
Assistant Attorney General

GRA:kkh
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 97
May 12, 1981

Re: Constitutionality of LB 252

Dear Senator Vickers:

We are responding to your request for an opinion whether LB 252 violates the equal protection clause of the Fourteenth Amendment of the United States Constitution. You also inquire whether an amendment you enclosed would be constitutional.

In answer to your first question, we refer you to an opinion written to Senator Maurice Kremer dated May 12, 1981, in response to his previous request in which we concluded that LB 252 as presently amended violates neither the due process clause nor the equal protection clause of the Fourteenth Amendment of the United States Constitution. It was our conclusion that the act creates reasonable distinctions between in-basin and out-of-basin applicants, and that the proposal bears a reasonable relationship to legitimate state objectives. We further concluded that since ownership of surface water resides in the public, that no person is being deprived of property rights without due process of law.

We have examined the proposed amendment which you attached, listing twelve factors which the Director of the Department of Water Resources must consider when making a determination upon the application to appropriate 5,000 or more acre feet of water. We perceive no constitutional impediment to such an amendment and conclude that it, likewise, would be a valid enactment.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) G. Roderic Anderson
Assistant Attorney General

GRA:ekj
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of May 13, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ludtke, David A. - Lincoln, Sky Park Manor

UNANIMOUS CONSENT - Withdraw Amendment to LB 3

Mr. Wiitala asked unanimous consent to withdraw his pending amendment to LB 3 found in the Journal on page 1895. No objections. So ordered.

MOTION - Return LB 3 to Select File

Mr. Wiitala moved to return LB 3 to Select File for the Wiitala-Labedz-Higgins-Kilgarin specific amendment, Req. #2392, printed separate from the Journal and referred to on page 1926.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 12 nays, and 14 not voting.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

Mrs. Higgins requested a record vote on the Wiitala motion.

Voting in the affirmative, 19:

Beutler
Burrows
Chambers
DeCamp
Dworak
Fitzgerald
Fowler
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Newell
Pirsch
Schmit
Stoney
Wesely
Wiitala

Voting in the negative, 26:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Vickers
Von Minden
Warner

Present and not voting, 3:

Cullan
Sieck
Wagner

Excused and not voting, 1:

Kremer

The Wiitala motion to return lost with 19 ayes, 26 nays, 3 present and not voting, and 1 excused and not voting.

Mr. Beutler moved to return LB 3 to Select File for the following specific amendment:

Return LB 3 to select file for a specific amendment namely to strike the enacting clause.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 17 nays, and 9 not voting.

Mr. Beutler asked unanimous consent to withdraw his motion to return. No objections. So ordered.

SPEAKER MARVEL PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 3.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1980, relating to sales and use tax; to provide an exemption for certain equipment; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 9:

Beutler
Burrows
Chambers
Fowler
Johnson, V.
Newell
Remmers
Vickers
Warner

Present and not voting, 1:

Cullan

Excused and not voting, 1:

Kremer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 11. With Emergency.

A BILL FOR AN ACT relating to agriculture; to adopt the Grain Sorghum Resources Act; to redesignate the Division of Wheat Development, Utilization, and Marketing and the Nebraska Wheat Development and Utilization Committee as a board; to provide for transfers; to change powers, authority, and duties; to increase a tax; to amend section 2-2302 to 2-2311, and 2-2315 to 2-2318, Reissue Revised Statutes of Nebraska, 1943; to provide severability; to repeal the original sections, and also sections 2-3312, 2-3313, and 2-3314, Reissue Revised Statutes of Nebraska, 1943, and sections 2-2316.01, 2-3624, 2-3625, and 2-3626, Revised Statutes Supplement, 1980; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 41:

Barrett
Beutler
Beyer
Carsten
Chronister
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 6:

Burrows
Clark
Cullan
Dworak
Landis
Wesely

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Kremer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 11A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 11, Eighty-seventh Leigslature, First Session, 1981; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Barrett
Beutler
Beyer
Carsten
Chronister
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 5:

Burrows
Clark
Cullan
Dworak
Landis

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Kremer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 12 to Select File

Mr. Maresh moved to return LB 12 to Select File for the following specific amendment:

(FINAL READING COPY)

1. On page 3, line 24, strike "thirty-one dollars" and insert "~~dollars~~ (i) twenty-nine dollars for the 1981 tax year and (ii) thirty dollars for taxable years commencing on or after January 1, 1982,".

MR. NICHOL PRESIDING

Mr. Sieck moved the previous question. The question is, ''Shall the debate now close?'' The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

SPEAKER MARVEL PRESIDING

Mr. Koch requested a record vote on the motion to return.

Voting in the affirmative, 9:

Cullan
Goodrich
Haberman
Hefner
Johnson, L.
Maresh
Peterson, H.
Rumery
Von Minden

Voting in the negative, 38:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Dworak
Fenger
Fitzgerald
Fowler
Goll
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Vickers
Wagner
Warner
Wesely
Wiitala

Present and not voting, 1:

DeCamp

Excused and not voting, 1:

Kremer

The motion to return lost with 9 ayes, 38 nays, 1 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 12.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1980, relating to revenue and taxation; to increase the food sales tax credit; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Sieck
Stoney
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 4:

Cullan
Goll
Remmers
Von Minden

Excused and not voting, 1:

Kremer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 70.

A BILL FOR AN ACT to amend section 32-226, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to delete the automatic termination of certain waiver provisions; to authorize an advisory committee; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle

Kilgarin
Labedz
Lamb
Landis
Maresh
Marvel
Newell
Nichol
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Wesely

Voting in the negative, 10:

Barrett
Cullan
Fowler
Goll
Koch
Marsh
Peterson, H.
Pirsch
Vickers
Wiitala

Excused and not voting, 2:

Kremer
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 99.

A BILL FOR AN ACT to amend sections 26-112, 33-123, and 33-124, Reissue Revised Statutes of Nebraska, 1943, relating to courts; to change fees as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Clark Kahle

Excused and not voting, 2:

Kremer Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mr. Clark asked unanimous consent to be excused this afternoon. No objections. So ordered.

MOTION - Return LB 146 to Select File

Mr. Schmit moved to return LB 146 to Select File for the following specific amendment:

(Final Reading Copy)

Req. #2402

1. Insert new sections as follows:

"Sec. 13. That section 2-3234, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3234. (1) Subject to the provisions of subsection (2) of this section, each ~~Each~~ district shall have the power and authority to exercise the power of eminent domain when necessary to carry out the purposes of this act within the limits of the district or outside its boundaries. Exercise of eminent domain shall be governed by the provisions of sections 76-704 to 76-724; Provided, that whenever any district seeks to acquire the right to interfere with the use of any water being used for power purposes in accordance with sections 46-204, 70-668, 70-669, and 70-672, and shall be unable to agree with the user of such water upon the compensation to be paid for such interference, the procedure to condemn property shall be followed in the manner set forth in sections 76-704 to 76-724, and no other property shall be included in such condemnation. No district shall contract for delivery of water to persons within the corporate limits of any village, city, or metropolitan utilities district, nor in competition therewith outside such corporate limits, except by consent of and written agreement with the governing body of such political subdivision. A village, city, or metropolitan utilities district may negotiate and, if necessary, exercise the power of eminent domain for the acquisition of water supply facilities of the district which are within its boundaries.

(2) Except as provided in section 16 of this act, the power of eminent domain shall not be used to acquire property for a project, (a) of which seventy-five per cent or more of the benefits are recreational and (b) having five hundred surface acres of water or less. Nothing in this subsection is intended to preclude a district from using, for recreational or park facilities, land acquired by eminent domain for any of the purposes listed in section 2-3229 other than subsection (11) of such section.

Sec. 14. It shall be the duty of the board of directors of each natural resources district to make a determination of the percentage of project benefits assessed to each of the purposes listed in section 2-3229 prior to the initiation of eminent domain proceedings. Such determination shall be prima facie evidence in any subsequent litigation in which the exercise of the power of eminent domain is at issue.

Sec. 15. The restriction on the use of eminent domain provided in subsection (2) of section 2-3234 shall apply to all proceedings which have not reached final adjudication prior to the effective date of this act.

Sec. 16. With the consent of the Legislature a natural resources district may use eminent domain to acquire property for a project of which seventy-five per cent or more of the benefits are recreational.

Sec. 18. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.”.

2. On page 21, line 8, strike “13, and 14” and insert “and 13 to 19”; and in line 12 strike “section” and insert “sections 2-3234 and”.

3. Renumber original sections 13, 14, 15, and 16 as sections 17, 19, 20, and 21, respectively.

4. In the title, line 2, strike “water” and insert “natural resources”, and after “sections” insert “2-3234,”; in line 13 after the second semicolon insert “to restrict the use of eminent domain by natural resources districts as prescribed;”; and in line 15 after the semicolon insert “to provide for severability;”.

Mr. Sieck requested a ruling of the Chair on whether the Schmit amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. Schmit moved to overrule the Chair.

Mr. Schmit asked unanimous consent to withdraw his motion to overrule the Chair. No objections. So ordered.

Mr. Schmit asked unanimous consent to withdraw his motion to return to Select File. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passsage:

LEGISLATIVE BILL 146. With Emergency.

A BILL FOR AN ACT relating to water; to amend section 46-146, 46-609, 46-656, and 46-674, Reissue Revised Statutes of Nebraska, 1943, and sections 46-144, 46-657, 46-658, 46-665, 46-666, and 46-673, Revised Statutes Supplement, 1980; to change provisions relating to certain warrants; to change well-spacing provisions; to restate intent; to redefine terms; to change provisions relating to establishment of control areas as prescribed; to authorize additional control measures; to provide duties; to increase an authorized tax; to provide a penalty; to rename an act; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: “All provisions of law relative to procedure having been complied with, the question is, ‘Shall the bill pass with the emergency clause attached?’ ”

Voting in the affirmative, 45:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Kahle Marvel

Excused and not voting, 2:

Kremer Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Add Name to Amendment

Mr. Beutler asked unanimous consent to have his name added to the Wiitala-Labedz-Higgins-Kilgarin amendment, Req. #2392, to LB 3. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 273 and 346.

Correctly Engrossed

The following bill was correctly engrossed: 404.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 273

The following changes, required to be reported for publication in the Journal, have been made:

(1) The Chambers amendment has been inserted in the Final Reading (Second) bill as new section 31 and in line 1 thereof an underscored comma has been inserted after ''injury'';

(2) Sections 31 to 33 have been renumbered as 32 to 34;

(3) In the title, line 28, ''to provide for payment of certain costs and attorney fees; to provide for indemnification of certain injured parties;'' has been inserted after the semicolon.

Enrollment and Review Changes to LB 404

The following changes, required to be reported for publication in the Journal, have been made:

(1) Underscoring has been supplied, where lacking, to all new matter;

(2) In S. C. amendments, page 1, line 4, "of" has been added before "the" and "on" has been stricken;

(3) In S. C. amendments, page 1, line 22, an underscored comma has been inserted after "include";

(4) In S. C. amendments, page 2, line 8, "line 4, strike 'of' and in" has been inserted after the first comma, and "on" has been stricken;

(5) Sections 27 to 33 have been renumbered as sections 30 to 36;

(6) On page 2, line 1, "This" has been stricken and "Sections 1 to 28 of this" has been inserted;

(7) "sections 1 to 28 of" has been inserted after "under" on page 7, line 9, and page 12, line 6, after "by", on page 10, line 6, and page 11, line 23, and after "of" on page 11, line 14, and page 12, line 26;

(8) On page 5, "and" has been inserted at the end of line 16;

(9) In Req. 2347, page 2, line 9, "Report" has been stricken and "To report" inserted;

(10) In Req. 2347, page 7, lines 15 and 16, "of the Department" has been stricken;

(11) On page 4, line 20, "Executive" has been stricken;

(12) On page 8, line 4, "Executive" has been stricken, and in lines 9 and 10 "and authorized by the commission" has been stricken;

(13) On page 14, line 13, "for" has been stricken;

(14) In the title, line 3, "; to replace the Nebraska Commission on Aging with a department; to amend sections 68-1101, 68-1103, 68-1105, and 81-102, Reissue Revised Statutes of Nebraska, 1943, and section 68-1104, Revised Statutes Supplement, 1980; and to repeal the original sections" has been inserted after "Act".

(15) In Req 2347, page 7, line 16, "for the Department on Aging" has been inserted after "Aging".

(Signed) Emory P. Burnett
E & R Attorney

ATTORNEY GENERAL'S OPINION

Opinion No. 98
May 13, 1981

Dear Senator Haberman:

You have informed us that LB 46 was amended on select file to allow NRDs an increase in taxing authority from one-quarter to one-half mill. You then pose the following question: "Can a NRD exceed the 7 percent budget limitation imposed by statute on the new one-quarter mill increase?"

We believe that the amendment to which you refer is Request No. 2349 printed on page 1630 of the Legislative Journal. That amendment provides:

> Each district encompassed in whole or in part by a control area designated pursuant to subdivision (1)(a) or (1)(b) of section 46-658 shall have the power and authority to levy a tax not to exceed ~~nine tenths of one cent~~ one and eight-tenths cents on each one hundred dollars annually on all of the taxable property within the portion of the district encompassed by such control area, except that if any land is designated as a control area under both subdivisions (1)(a) and subdivision (1)(b) of section 46-658 the tax levied shall not exceed two and seven-tenths cents on each one hundred dollars annually. Such levy, which shall be in addition to that authorized by section 2-3225, shall be utilized only for the costs of carrying out the provisions of sections 46-656 to 46-674 and section 10 of this act, within such control area. Certification and collection of such levy shall be administered by the district and by the county or counties involved in the same manner as the levy authorized by section 2-3225.

Neb.Rev.Stat. §77-3426 (Supp. 1980) in part provides:

> Any political subdivision that is authorized by state law to levy a tax or cause a tax to be levied, which tax or portion thereof is in addition to the tax such political subdivision is authorized to levy or cause to be levied on May 17, 1979, shall not include as a receipt from local tax sources the anticipated receipts from such newly authorized levy during the first fiscal year for which such newly authorized levy generates tax receipts, but thereafter the receipts from such newly authorized tax shall be included in determining receipts from local tax sources.

Clearly the amendment which was adopted to LB 46 is an amendment which increases the amount of tax that natural resource districts, which are bodies authorized to levy a tax, could levy as of May 17, 1979. Obviously any levy imposed under the provisions of this provision will therefore be specifically excluded for the first year in determining whether the proper amount of tax that may be raised under the Political Subdivision Budget Limit Act of 1979, Neb.Rev.Stat. §77-3412 et seq. (Supp. 1980).

This means of course that a political subdivision simply excludes that portion of any such levy which is imposed in the first year under this increased levying authority. This of course does not answer the question of whether or not whether such districts could increase their mill levy to acount for the creation as new control areas. However that question was answered in 1980 by the adoption of LB 887 now codified as Neb.Rev.Stat. §77-3432.01 (Supp. 1980). That section provides: "Any control area created pursuant to sections 46-656 to 46-674, after December 31, 1978, shall for the first year in which funds are received from taxes imposed or levied be considered a new program for purposes of subdivision (2) of section 77-3424." Neb.Rev.Stat. §77-3424 (Supp. 1980) excludes funds used for the first year's implementation of any new program established by state law and a control area would qualify under such an exclusion. Thus the answer to your question is that to the extent that a new control area is established or an existing control area has the tax levied upon it increased by the governing body after the effective date of LB 146, those amounts would be excluded from determining the allowable seven percent increase in an NRD's total budget.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 182.

Introduced by Cope, 36th District; Barrett, 39th District; Beutler, 28th District; Burrows, 30th District; Carsten, 2nd District; Chambers, 11th District; Chronister, 18th District; Clark, 47th District; Cullan, 49th District; DeCamp, 40th District; Dworak, 22nd District; Fenger, 45th District; Fitzgerald, 14th District; Fowler, 27th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Hoagland, 6th District; Johnson, L., 15th District; Johnson, V., 8th District; Kahle, 37th District; Kilgarin, 7th District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Newell, 13th District; Nichol, 48th District; Peterson, H., 35th District; Peterson, R., 21st District; Pirsch, 10th District; Remmers, 1st District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Stoney, 4th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Wiitala, 31st District.

WHEREAS, on May 21, 1981, the American Red Cross will commemorate one hundred years of service to our nation and its people. In time of war and during other periods of major disaster, the work of the Red Cross has been brought sharply and dramatically into the public notice. The memory of its important role in relief and rehabilitation following the Grand Island tornado on June 3, 1980, is still very vivid in the minds of most Nebraska citizens; and

WHEREAS, between these times of national and local emergency, the Red Cross has daily carried on numerous sustained programs consistent with its fine humanitarian mission. It touches the lives of our people and our community through such services as blood, safety, youth, first aid, nursing, disaster, as well as services to military personnel, veterans, and their families; and

WHEREAS, the people of Nebraska have many reasons to be grateful for the existence and strength of the American Red Cross.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes to the national, state, and local units of the American Red Cross on the one hundredth anniversary of its founding.

Laid over.

RESOLUTIONS

LEGISLATIVE RESOLUTION 183.

Introduced by Higgins, 9th District; Labedz, 5th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Burrows, 30th District; Carsten, 2nd District; Chambers, 11th District; Chronister, 18th District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; Dworak, 22nd District; Fenger, 45th District; Fitzgerald, 14th District; Fowler, 27th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Hoagland, 6th District; Johnson, L., 15th District; Johnson, V., 8th District; Kahle, 37th District; Kilgarin, 7th District; Koch, 12th District; Kremer, 34th District; Lamb, 43rd District; Landis, 46th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Newell, 13th District; Nichol, 48th District; Peterson, H., 35th District; Peterson, R., 21st District; Pirsch, 10th District; Remmers, 1st District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Stoney, 4th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Wiitala, 31st District.

WHEREAS, on April 23, 1981, Mrs. Nga DeCamp of Neligh, Nebraska became a citizen of the United States; and

WHEREAS, Mrs. DeCamp came to this country from Vietnam in 1975 and is the wife of Senator John DeCamp; and

WHEREAS, the taking of the oath of citizenship by Mrs. DeCamp serves to remind us of our diverse cultural backgrounds and of the preciousness of the rights we enjoy as Americans; and

WHEREAS, the people of Nebraska feel that the traditions Mrs. DeCamp brings from her homeland of Vietnam will be shared with all of us and enrich our lives and understanding of other cultures, and;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Legislature congratulates Nga DeCamp for her recent attainment of United States Citizenship, and welcomes her as a fellow American.

Laid over.

VISITORS

Visitors to the Chamber were 11 eight grade students, teacher, and sponsors from Axtel Public School; 35 first through sixth grade students, teachers, and sponsors from Ruskin Elementary School; 29 third and fourth grade students and teachers from Nemaha Valley School, Talmage; 22 eighth grade students, teachers, and sponsors from Menomonee; 15 fifth through eight grade students, teacher, and sponsors from Westerville; and Mr. and Mrs. Joe Breunig, Mary, Sharon, and Linda Breunig.

RECESS

At 12:05 p.m., on a motion by Mr. Haberman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:37 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark and Kremer who were excused; and Messrs. Carsten, Cope, Dworak, Fowler, Goodrich, L. Johnson, V. Johnson, Newell, Rumery, Stoney, Warner, Mesdames Labedz, and Marsh who were excused until they arrive.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 228.

A BILL FOR AN ACT to amend sections 29-507 and 29-508, Reissue Revised Statutes of Nebraska, 1943, relating to witnesses; to change procedures providing for the appearance of certain witnesses; to provide for appeal; to provide a fee; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 33:

Barrett
Beutler
Beyer
Burrows
Chronister
Cullan
Fenger
Fitzgerald
Goll
Haberman
Hefner
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Lamb
Landis
Maresh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 3:

Chambers
DeCamp
Higgins

Excused and not voting, 13:

Carsten
Clark
Cope
Dworak
Fowler
Goodrich
Johnson, L.
Kremer
Labedz
Marsh
Rumery
Stoney
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 250.

A BILL FOR AN ACT to amend sections 71-4720, 71-4724 to 71-4726, 71-4728, and 71-4729, Revised Statutes Supplement, 1980, relating to the Commission for the Hearing Impaired; to change certain terms; to change procedures for holding meetings and electing officers; to provide duties as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 1:

Stoney

Excused and not voting, 4:

Clark
Goodrich
Kremer
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 266.

A BILL FOR AN ACT relating to the State Fire Marshal; to provide duties; and to provide for adoption of a code as prescribed; to amend section 81-502, Reissue Revised Statutes of Nebraska, 1943; to permit rather than mandate delegation of duties as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 4:

Clark
Goodrich
Kremer
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 266A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 266, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 3:

Fowler
Higgins
Stoney

Excused and not voting, 3:

Clark
Kremer
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 296.

A BILL FOR AN ACT relating to smoke detectors; to define terms; to provide duties for the State Fire Marshal; to require the installation and use of smoke detectors as prescribed; and to provide a penalty.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 39:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Wesely

Voting in the negative, 6:

Carsten
Dworak
Haberman
Newell
Schmit
Stoney

Present and not voting, 1:

Wiitala

Excused and not voting, 3:

Clark
Kremer
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 296A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 296, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, R.
Pirsch
Rumery
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 7:

Carsten
Dworak
Haberman
Newell
Remmers
Schmit
Stoney

Present and not voting, 2:

Johnson, L.
Peterson, H.

Excused and not voting, 3:

Clark
Kremer
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 310.

A BILL FOR AN ACT to amend section 35-514, Reissue Revised Statutes of Nebraska, 1943, relating to fire protection districts; to change procedures for annexation of territory to a fire protection district; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Cope
Von Minden

Excused and not voting, 3:

Clark
Kremer
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 316 to Select File

Mr. Koch moved to return LB 316 to Select File for the following specific amendment:

(Final Reading Copy)

1. On page 9, line 17, strike "four", show as stricken, and insert "three".

The motion prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 316. The Koch specific amendment found in this day's Journal was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 322 to Select File

Mr. Schmit moved to return LB 322 to Select File for the following specific amendment:

(Final Reading Copy)

1. On page 2, line 6 strike "median" and insert "mean".

The motion prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 322. The Schmit specific amendment found in this day's Journal was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 328. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Commission on Law Enforcement and Criminal Justice; to amend section 81-1425, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1423, 81-1801, 81-1802, 81-1806, 81-1813, 81-1833, 83-945, and 83-950, Revised Statutes Supplement, 1980; to make the Crime Victim's Reparations Board and the Jail Standards Board subject to the Nebraska Commission on Law Enforcement and Criminal Justice for administrative and budgetary purposes as prescribed; to place a restriction on contents of an annual report; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Barrett
Beyer
Burrows
Chambers
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb

Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 3:

Beutler
Carsten
Stoney

Excused and not voting, 3:

Clark
Kremer
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 328A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 328, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 40:

Beyer
Burrows
Chambers
Chronister
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 6:

Barrett
Beutler
Carsten
Cope
Stoney
Wagner

Excused and not voting, 3:

Clark
Kremer
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 361. With Emergency.

A BILL FOR AN ACT to amend sections 60-311.02 and 60-1407.03, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide number plates for tax exempt motor vehicles; to extend an exception; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 4:

Goll
Maresh
Marvel
Wagner

Excused and not voting, 3:

Clark
Kremer
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 366. With Emergency.

A BILL FOR AN ACT relating to cities of the primary class; to include firefighters in the existing police officers pension system; to change benefit provisions; to provide for withdrawal and repayment of contributions and interest; to amend sections 15-1001, 15-1001.01, 15-1013.02, and 15-1020, Reissue Revised Statutes of Nebraska, 1943, and section 15-1007, Revised Statutes Supplement, 1980; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Remmers
Rumery
Sieck
Stoney
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 8:

Chronister
Haberman
Hefner
Johnson, L.
Maresh
Peterson, H.
Peterson, R.
Von Minden

Present and not voting, 2:

Pirsch
Schmit

Excused and not voting, 3:

Clark
Kremer
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 369.

A BILL FOR AN ACT relating to schools; to amend sections 79-1043 and 79-1522, Reissue Revised Statutes of Nebraska, 1943; to allow retirement system credit for certain leaves of absence as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
DeCamp
Dworak
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Fenger
Schmit

Excused and not voting, 3:

Clark
Kremer
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATIONS OF VOTES

Had I been present, I would have voted aye on LB 228.

In error I voted nay on LB 250 and should have voted aye.

(Signed) Larry Stoney

Had I been present, I would have voted yes on LB 228.

(Signed) Shirley Marsh

SELECT FILE

LEGISLATIVE BILL 466. Mrs. Labedz renewed her pending amendment, Req. #2328, found in the Journal on page 1546 and considered on page 1662.

Mrs. Marsh offered the following amendment to the Labedz amendment:

on page 1, in lines 4 and 9 after "minor" insert "sixteen years of age or under"

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion lost with 11 ayes, 9 nays, and 29 not voting.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Marsh amendment lost with 10 ayes, 19 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Beutler offered the following amendment to the Labedz amendment:

Amend the Labedz amendment on p 1546 of the journal to LB 466 by deleting the word "cannot" in line 12 (first line 12) and the words "be notified after a reasonable effort" in line 13 (first line 13) and adding the words "does not receive actual notice after the word guardian in line 12 (first line 12)
and adding the words "as indicated by the minor seeking the abortion" after the word guardian in line 16 (first line 16).

The Beutler amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

The Labedz amendment, as amended, was adopted with 26 ayes, 7 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Chambers offered the following amendment:

Amend LB 466 Committee amendment
p.3, lines 25, 26:
strike, "ten or more abortions",
insert, "one abortion"
line 27, strike "are";

insert “is”

Mr. Chambers moved for a Call of the House. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Chambers
Goll
Koch
Lamb
Marsh
Nichol
Pirsch
Remmers
Stoney
Vickers

Voting in the negative, 33:

Barrett
Beyer
Carsten
Chronister
Cope
Cullan
DeCamp
Dworak
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Labedz
Landis
Maresh
Marvel
Newell
Peterson, H.
Peterson, R.
Rumery
Schmit
Sieck
Von Minden
Wagner
Warner
Wesely

Present and not voting, 4:

Beutler
Burrows
Fenger
Wiitala

Excused and not voting, 2:

Clark
Kremer

The Chambers amendment lost with 10 ayes, 33 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mrs. Marsh renewed her pending amendment, Req. #2353, found in the Journal on page 1629.

MR. NICHOL PRESIDING

Mr. H. Peterson moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Marsh amendment lost with 10 ayes, 20 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment with 28 ayes, 9 nays, 10 present and not voting, and 2 excused and not voting.

SPEAKER MARVEL PRESIDING

MESSAGES FROM THE GOVERNOR

May 14, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 22, 22A, 144, 144A, 188, 188A, 207, 207A, 253, and 253A have been received in my office.

These bills were signed by me on May 14, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 14, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Rural Health Manpower Commission, requiring legislative confirmation:

Wilma Dobesh, Wood River 68883, term expiring September 1, 1983, succeeding Judy Butler, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Wilma Dobesh

Rural Health Manpower Commission

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

Governor's Appointments - Thursday, May 21, 1981 1:00 p.m.
Charles O. Morehouse - Public Employees Retirement Board
Marguerite H. Edholm - Public Employees Retirement Board

(Signed) Steve Fowler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Dworak asked unanimous consent to print the following amendment to LB 376 in the Journal. No objections. So ordered.

1. On page 8, line 18, strike "or"; and in line 22 after "state," insert "or (4) an out-of-state bank holding company, if the state in which operations of the bank holding company are principally conducted authorizes the establishment of, or acquisition or control of, banks in such state by Nebraska bank holding companies, under conditions no more restrictive than those imposed by Nebraska,".

Mr. Maresh asked unanimous consent to print the following amendment to LB 548 in the Journal. No objections. So ordered.

1. On page 2, line 22, strike "General" and insert "Board of Examiners Cash".
2. On page 3, line 9, strike "General" and insert "University of Nebraska Medical Center Cash".
3. On page 5, line 18, strike "General" and insert "University of Nebraska Medical Center Cash".

Messrs. Newell and Burrows asked unanimous consent to print the following amendment to LB 352 in the Journal. No objections. So ordered.

1. Strike original section 1 and insert the following new sections:

"Section 1. That section 77-3423, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3423. (1) Except as otherwise provided in sections 77-3412 to 77-3431, no governing body of any political subdivision shall adopt a budget statement pursuant to section 23-925, or pursuant to the charter or ordinances of a city with a home rule charter, in which the anticipated combined receipts for the ensuing fiscal year exceeds an increase of seven per cent above the combined receipts budget base, except that if three-fourths of the members of the governing body vote to exceed such limit, then the maximum allowable increase shall be nine per cent.

(2) In lieu of the limitation imposed by subsection (1) of this section, any political subdivision which has experienced or anticipates an increase in its population, as measured pursuant to section 77-3427, of five per cent or more above the population for the immediately preceding year, may elect to increase its anticipated combined receipts for the ensuing fiscal year by a percentage which shall not exceed the average percentage increase in the anticipated combined receipts for the three immediately preceding fiscal years. If any political subdivision qualifies for or elects to utilize the limit provided for in this subsection, such political subdivision shall not further increase the percentage limit calculated pursuant thereto to compensate for any population increases calculated pursuant to section 77-3427. If any political subdivision qualifies for an elects to utilize the limit provided for in this subsection, such limit shall be used only in the year or years in which a population increase of five per cent or more is experienced or anticipated.

Sec. 2. That original section 77-3423, Revised Statutes Supplement, 1980, is repealed.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 3, 11, 11A, 12, 70, 99, 146, 228, 250, 266, 266A, 296, 296A, 310, 328, 328A, 361, 366, and 369.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 184. Placed on Select File as amended.
E & R amendments to LB 184:

1. On page 7, lines 11 and 14, strike "are" and insert "is".
2. On page 8, line 19, strike the comma; and on page 8, line 27, strike "this" and insert "the".
3. In the Burrows amendment, line 6, after "strike" insert "the second".

LEGISLATIVE BILL 376. Placed on Select File as amended.
E & R amendments to LB 376:

1. On page 2, line 27, strike the reinstated "Neither" and show as stricken.

2. In the DeCamp amendments, page 2, line 9, strike "herein" and insert "in this section"; in line 10, strike "companies" and insert "company, if not exercised at the time permitted in this section,"; in lines 10 and 11, strike "if not exercised"; in line 11 insert "one or more" after the first "to" and strike "year or".

3. In the title, line 5, insert "to redesignate such offices;" after the semicolon.

4. In the DeCamp amendment, page 1, line 18, after "through" insert "'act' in".

5. In the DeCamp amendment, page 2, line 16, strike the underscored period.

(Signed) Karen Kilgarin, Chairperson

ANNOUNCEMENT

May 14, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President, Mr. Speaker and Senators:

Consistent with Rule 6, Section 14, of the Rules of the Nebraska Unicameral, the Appropriations Committee has reviewed the Governor's line item vetoes of LB 561 - State Aid to Political Subdivisions, Individuals, and Other Agencies. The attachments to this letter summarize these line item vetoes and are provided for your information.

During the Appropriations Committee meeting to review the Governor's line item vetoes held on May 14, 1981, a majority of the Committee voted to recommend to the Legislature an override of the line item vetoes of State Aid - Community-Based Mental Retardation. The motion to override the line item vetoes of Assistance to Local Transit Authorities and the Nebraska Water Conservation Fund failed. A majority of the Committee also voted not to recommend the override of the Governor's line item vetoes of the Resource Development Fund, Aid to Dependent Children, or State Aid to Schools.

Please contact myself or any member of the Appropriations Committee if you have any questions regarding this report.

Sincerely,
(Signed) Jerome Warner, Chairperson
Appropriations Committee

JW/sh/0254J

SELECT FILE

LEGISLATIVE BILL 95A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 389A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 477A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 506A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 541A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 257A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 556. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendments to LB 134 in the Journal. No objections. So ordered.

(1)
(Final Reading Copy)

1. Strike sections 1 and 5 to 10.

2. Insert the following new section:

"Sec. 4. That original sections 49-1447 and 49-1466, Reissue Revised Statutes of Nebraska, 1943, and section 49-1446, Revised Statutes Supplement, 1980, are repealed.".

3. Renumber sections 2 to 4 as sections 1 to 3 respectively.

4. In the title strike lines 2 through 14 and insert:

"FOR AN ACT to amendment sections 49-1447 and 49-1466, Reissue Revised Statutes of Nebraska, 1943, and section 49-1446, Revised Statutes Supplement, 1980, relating to the Nebraska Political Accountability and Disclosure Act; to restrict the use of campaign funds as prescribed; to require an inventory of certain property; to change provisions relating to the use of unexpended funds; and to repeal the original sections.".

(2)
Amendments to Final Reading Copy

Req. #2408

1. Strike sections 1 and 5 to 10.

2. Insert the following new sections:

"Sec. 4. That section 49-1499, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1499. An individual designated in section 49-1493, or an official or employee of the executive branch of state government, who, in the discharge of his or her official duties, would be required to take ~~an~~ any action ~~that would provide that individual~~ or make any decision that may cause financial benefit or detriment to him or her, a member of ~~the individual's~~ his or her immediate family, or a business with which ~~the individual~~ he or she is associated, ~~financial benefits of more than a de minimis nature~~ which ~~are~~ is distinguishable from the ~~benefits to~~ effects of such action on the public generally, or a broad segment of the public, shall take the following actions as soon as he or she is aware of such potential conflict, or should reasonably be aware~~,~~ of ~~the~~ such potential conflict, whichever is sooner:

(1) Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict; and if he or she is a member of the Legislature and will not abstain from voting, deliberating, or taking other action on the matter, the statement shall state why, despite the potential conflict, he or she intends to vote or otherwise participate; and

(2) Deliver a copy of the statement to the commission and:

(a) If he or she is a member of the Legislature, he or she shall deliver a copy of the statement to the speaker, who shall cause the statement to be filed with the Clerk of the Legislature to be held as a matter of public record. He or she may abstain from voting, deliberating, or taking other action on the matter on which the potential conflict exists, in which case he or she may have the reasons for the abstention recorded in the journal or minutes of the Legislature. Nothing in this section shall be construed to prohibit any member of the Legislature from voting, deliberating, or taking other action on any matter that comes before the body; or

(b) If he or she is not a member of the Legislature, he or she shall deliver a copy of the statement to his or her immediate superior, if any, who shall assign the matter to another ~~employee~~ or, if he or she has no immediate superior, he or she shall take such steps as the commission shall prescribe or advise to remove himself or herself from influence over actions and decisions on the matter. This restriction shall not prevent such a person from making or participating in the making of a governmental decision to the extent that the individual's participation is legally required for the action or decision to be made, but in such event the person shall report the occurrence to the commission.

Sec. 5. That original sections 49-1447, 49-1466, and 49-1499, Reissue Revised Statutes of Nebraska, 1943, and section 49-1446, Revised Statutes Supplement, 1980, are repealed.".

3. Renumber sections 2 to 4 as sections 1 to 3 respectively.

4. In the title strike lines 2 through 13 and insert:

"FOR AN ACT to amend sections 49-1447, 49-1466, and 49-1499, Reissue Revised Statutes of Nebraska, 1943, and section 49-1446, Revised Statutes Supplement, 1980, relating to the Nebraska Political Accountability and Disclosure Act; to restrict the use of campaign funds as prescribed; to require an inventory of certain property; to change provisions relating to the use of unexpended funds; to change provisions relating to potential conflicts of interest; and to repeal the original sections.".

(3)

(Final Reading Copy)

Req. #2407

1. Strike sections 1 and 5 to 10.

2. Insert the following new sections:

"Sec. 4. That section 49-14,132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-14,132. ~~Campaign~~ Information copied from campaign statements, registration forms, activity reports, statements of financial ~~interests~~ interest, and other filings required by sections 49-1401 to 49-14,138 shall not be ~~copied~~ sold or used by any person for ~~any~~ the purpose of soliciting contributions or for commercial purposes, except for the use of the name and address of any political committee, corporation, labor organization, or industry, trade, or professional association for soliciting contributions from such committee, corporation, organization, or association. ~~purpose, for soliciting contributions, ticket sales or other political campaign purposes, or for harassment by a governmental body or any other person.~~

Sec. 5. That original sections 49-1447, 49-1466, and 49-14,132, Reissue Revised Statutes of Nebraska, 1943, and section 49-1446, Revised Statutes Supplement, 1980, are repealed.".

3. Renumber sections 2 to 4 as sections 1 to 3 respectively.

4. In the title strike lines 2 through 14 and

insert:
"FOR AN ACT to amend sections 49-1447, 49-1466, and 49-14,132, Reissue Revised Statutes of Nebraska, 1943, and section 49-1446, Revised Statutes Supplement, 1980, relating to the Nebraska Political Accountability and Disclosure Act; to restrict the use of campaign funds as prescribed; to require an inventory of certain property; to change provisions relating to the use of unexpended funds; to limit the use of certain filings as prescribed; and to repeal the original sections.".

UNANIMOUS CONSENT - Members Excused

Messrs. Newell and Nichol asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION - Print in Journal

Messrs. Dworak, Fowler, Stoney, L. Johnson, Cope, and Mrs. Marsh moved, pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item vetoes of the Department of Public Institutions, Program No. 424 - State Aid - Community Mental Retardation, including the final budget for each mental retardation region shown, in Section 11 on pages 10 and 11 of LB 561.

NOTICE OF COMMITTEE HEARING
Rules

Rules Changes - Wednesday, May 20, 1981 8:00 a.m.

(Signed) Don Wesely, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 184.

Introduced by DeCamp, 40th District.

WHEREAS, education organized and administered by religious organizations has been a long standing and venerated tradition throughout the history of the United States and State of Nebraska; and

WHEREAS, denominational, parochial, and private schools in the State of Nebraska play an integral role in providing quality education to the citizens of the State and allowing for an alternative to publicly financed and administered education; and

WHEREAS, a fundamental belief held by several religious organizations is that the proper educational process is inseparable from religious practice; and

WHEREAS, the certification of teachers, as prescribed by Nebraska law and interpreted, is viewed to be an infringement of religious rights of those religious organizations that hold the above stated belief; and

WHEREAS, the Nebraska Supreme Court in State ex rel. Douglas v. Faith Baptist Church held that the State has the power to impose reasonable regulations for the control and duration of basic education and a legitimate concern for maintaining minimum standards in all the schools it allows to operate; and

WHEREAS, Section 79-1247.06 provides, in part, that the maximum requirement which the State Board of Education may impose on one seeking teacher certification is a baccalaureate degree; and

WHEREAS, in the concurring and dissenting opinion of the above-entitled case delivered by Chief Justice Krivosha, it was stated "Yet, by mere rule, the state board has converted the maximum requirement into a minimum requirement. This action taken by the state board in promulgating Rule 21 appears to me to constitute the exercise of undelegated legislative authority and may, therefore, be void."

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Administrative Rules and Regulations Review Committee of the Legislature conduct a comprehensive interim study to determine whether or not the State Board of Education, in its adoption of Rule 21, is (a) beyond its scope of authority, (b) a direct encroachment upon legislative authority, (c) arbitrary, capricious, and unreasonable; and (d) discriminatory.

2. That the Committee review all statutes and rules promulgated thereunder on the subjects of (a) public, private, parochial and denominational school qualifications and teacher and administrator certification and registration, (b) the minimum curriculum requirements as set by the Department of Education for all schools, (c) the process of proficiency testing of students K-12.

3. That the committee shall report its findings by August 20, 1981 with recommendations to the Legislative Council or Legislature.

Referred to the Executive Board.

ATTORNEY GENERAL'S OPINION

Opinion No. 99
May 13, 1981

Re: Nebraska Mental Health Commitment Act

Dear Senator Fowler:

This is in reply to your inquiry concerning LB 95 which amends the above act. You specifically ask for our opinion on the constitutionality of eliminating the portions of the above act requiring a preliminary hearing.

Section 26 of the act is amended to provide that the summons shall fix the time for a hearing within ten days after the subject has been taken into protective custody. This portion of the bill originally provided that the subject would be given a preliminary hearing within five days after being taken into protective custody.

In Doremus v. Farrell, 407 F.Supp. 509, a three judge court of the United States District Court for the District of Nebraska, in considering the Nebraska Mental Health Act which was replaced by the present act specifically held that the former act was unconstitutional for failure to require a preliminary inquiry on probable cause within five days after the arrest of a subject if the proposed patient was detained in custody pending final commitment.

The court in its reasoning found that under the Nebraska statutes in force at that time, that "the determination to confine a person may be done with or without a hearing."

While there may be cases in other federal district courts or other circuits, we have found no cases from our United States Court of Appeals for the Eighth Circuit or the United States Supreme Court which would have the effect of overruling Doremus v. Farrell, supra.

By way of illustration, we do not think the recent United States Supreme Court case of Vitek v. Jones, 445 U.S. 480, 63 L.Ed.2d 552, requiring one due process hearing before the transfer of an inmate of a penal institution to a mental hospital, would have the effect of overruling Doremus v. Farrell. In Vitek v. Jones, the Supreme Court specifically recognized that a criminal conviction and sentence as to an inmate extinguished his right to freedom from confinement for the term of his sentence, but recognized that transfer to a mental institution still involved a change in the type of custody contemplated and therefore the requirement of a due process hearing for that reason.

The case of Doremus v. Farrell, supra, specifically addresses the requirement of a probable cause hearing as to members of the public generally who are in possession of all their rights of freedom and are taken into custody and detained. We cannot, of course, predict whether or not a higher court may ultimately settle upon five days as the time within which a probable cause hearing as to a person in detention must be held, but we agree that such a hearing must be held within a reasonable time. We are of the opinion that the Federal District Court of Nebraska, and undoubtedly the higher Federal courts, would find ten days to be an unreasonable time to hold a person in custody without a hearing. We are further of the opinion that detention for any period of time in excess of five days without a probable cause hearing would be difficult to defend constitutionally, in light of the specific holding in Doremus v. Farrell referred to above.

Respectfully submitted,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:jmf
cc: Patrick J. O'Donnell
Clerk of the Legislature

VISITORS

Visitors to the Chamber were 50 fourth grade students, teachers, and sponsors from Holy Cross, Omaha; Shirley Meckel and Elva Grunkemeyer from Burwell; and 54 eighth grade students, sponsors, and teachers from Raymond.

ADJOURNMENT

At 4:01 p.m., on a motion by Mr. Rumery, the Legislature adjourned until 9:30 a.m., Monday, May 18, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SECOND DAY - MAY 18, 1981

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

EIGHTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 18, 1981

Pursuant to adjournment, the Legislature met at 9:35 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Senator Rumery.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, Messrs. Cullan, and Stoney who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 95A, 257A, 389A, 477A, 506A, 541A, and 556.

(Signed) Karen Kilgarin, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 100
May 14, 1981

Dear Senator Carsten:

You have asked whether clarifying language is needed in LB 284 to make clear exactly how funds are to be distributed to individual subdivisions under sections 4 and 10 of the bill. We believe it would be helpful to have such clarification, although we have an opinion as to how it should be construed in its present form.

Sections 4 and 10, in identical language, provide for distribution to the political subdivisions within a county of funds distributed to the county pursuant to sections 3 and 9 respectively. Sections 4 and 10 provide that each political subdivision in the county, including the county itself, with authority to levy a tax shall receive a portion of such funds based on the percentage of total taxes levied in the county that was levied by the particular subdivision "during the prior calendar year." The distributions to the counties, and then to the subdivisions, will be made in seven equal monthly payments, starting in December of each year.

The use of the language "prior calendar year" is certainly susceptible of meaning that a distribution begun in December of 1981 should be based upon levies made in 1980. We are inclined, however, not to construe it in that way, for several reasons.

In the first place, distributions to the counties pursuant to section 3 are to be based on "the most current County Abstract of Assessment Form 45." See section 2(3). In December of any year that would be the abstract of assessment for that calendar year. The funds distributed to the counties pursuant to section 9 are to be distributed based on "the most recent certificate of taxes levied pursuant to section 77-728." Again, in December of any year that would be the certificate pertaining to that year.

We would find it very anomalous for the distributions to the counties to be based upon one year's figures, and distributions by the counties to be based on those of the preceding year, for no discernible reason.

Furthermore, sections 5(2) and 11(2) provide for newly created taxing subdivisions to receive "commencing the first year such levy generates tax receipts" a share of the funds to be distributed. A political subdivision created in time to make a levy in a particular year would, or might, receive taxes from that levy in the year the levy was made, since Neb.Rev.Stat. §77-203 (Reissue 1976) makes such taxes due and payable on December 31 following the date of levy. It would be strange, indeed, if the distributions to newly created subdivisions were to be based on one year's levy, and distributions to other subdivisions were to be based on those of another year.

Since six of the seven payments to the political subdivisions will be made after the first of the year, it can be said that those are based on the levies made "the prior calendar year." Obviously, however, all seven distributions must be made on the same basis. Perhaps it was because most of the distributions would be made after the first of the year that the Legislature used the language it did.

However, your question was whether there was a need for clarifying legislation. It would certainly be advisable, as it would eliminate numerous questions and countless complaints from affected persons who disagree with this construction. It would be particularly advisable if our construction does not agree with the Legislature's intention.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

COMMUNICATION

Received copy of House Joint Resolution from State of Tennessee regarding the Americans who served their country in Viet Nam.

MESSAGE FROM THE GOVERNOR

May 15, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Reengrossed Legislative Bill 190 was received in my office May 13.

This bill was signed by me on May 14, 1981 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

REPORT

Received report from Department of Roads pursuant to Section 5(4) of LB 722, regarding statement of deposits to the Highway Cash Fund.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 129 in the Journal. No objections. So ordered.

(Amendment to Standing Committee amendments REQ 2096)
Req. #2342

1. Insert a new section as follows:

"Section 1. That section 53-133, Revised Statutes Supplement, 1980, be amended to read as follows:

53-133. (1) The commission shall set for hearing before it any application for a retail license relative to which it has received:

(a) Within thirty days from the date of mailing such application to the city, village, or county clerk, a recommendation of denial from the city, village, or county, as the case may be;

(b) Within three days after the receipt of a recommendation from the city, village, or county, as the case may be, or, if no recommendation is received, within thirty days from the date of mailing such application to the city, village, or county clerk, objections in writing by not less than three persons residing within said city, village, or county, as the case may be, protesting the issuance of said license and no objections will be considered by the commission unless submitted in duplicate and, except as waived by the commission, accompanied by security for costs in the sum of one hundred dollars in the form of cash, money order, certified check, or bank draft. The security deposit shall be waived by the commission if each of the individuals filing the protest is doing so on his or her own behalf and does not have a financial interest in or is not a legal representative or employee of an establishment holding a liquor license. The withdrawal of the protest shall not prohibit the commission from conducting a hearing based upon the protest as originally filed and making an independent finding as to whether the license should or should not be issued; or

(c) Within forty-five days from the date of mailing such application to the city, village, or county clerk, as the case may be, objections by the commission or any duly appointed employee of the commission, protesting the issuance of said license.

(2) Hearings upon such applications shall be had in the manner provided in section 53-1,116.".

2. On page 3, line 17, strike "section" and insert "sections 53-133 and"; and in line 18 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

Mr. Chronister asked unanimous consent to print the following amendment to LB 529 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. On page 4, in lines 19 through 23 strike the new matter and reinstate the stricken matter.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 381. With Emergency.

A BILL FOR AN ACT relating to state administrative departments; to amend sections 81-146, 81-153, 81-154, 81-159, 81-161.01, 81-161.03, 81-163.01, 81-1010, 81-1012 to 81-1015, 81-1018, 81-1113, 81-1114, 81-1118, 81-1120.18, and 83-147, Reissue Revised Statutes of Nebraska, 1943, and sections 81-166, 81-196, 81-1108.15 to 81-1108.17, 81-1108.41, 81-1111, 81-1117, and 83-145, Revised Statutes Supplement, 1980; to change provisions relating to the Department of Administrative Services and its divisions and bureaus as prescribed; to provide duties; to provide statements of purpose; to repeal provisions relating to rebates; to repeal the original sections, and also sections 59-701 to 59-705, and 81-1108.02, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 48:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 1:

Cullan

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 384.

A BILL FOR AN ACT relating to financing; to adopt the Agricultural Development Corporation Act; to amend sections 76-1612 and 76-1614, Revised Statutes Supplement, 1980; to define terms; to provide powers and duties; to change certain provisions relating to the Nebraska Mortgage Finance Fund; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 31:

Beyer
Burrows
Carsten
Chambers
Chronister
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Maresh
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Schmit
Von Minden
Wagner
Wiitala

Voting in the negative, 16:

Barrett
Beutler
Clark
Cope
Cullan
Dworak
Hoagland
Lamb
Landis
Marsh
Peterson, R.
Remmers
Sieck
Stoney
Vickers
Warner

Present and not voting, 2:

Marvel
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 441.

A BILL FOR AN ACT relating to asbestos removal, detection, or containment; to amend section 79-531, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3424 and 79-520, Revised Statutes Supplement, 1980; to change certain budget limitation provisions; to authorize school districts to borrow certain funds; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 470.

A BILL FOR AN ACT to amend sections 48-601 and 48-627, Reissue Revised Statutes of Nebraska, 1943, and sections 48-628 and 48-628.02, Revised Statutes Supplement, 1980, relating to the Employment Security Law; to require that a waiting period be served between benefit years established during periods of continuous unemployment; to delete the existing disqualification when a claimant has merely applied for primary insurance benefits under the Social Security Act; to add language to deny extended benefits to individuals unemployed due to voluntary leaving, discharge for misconduct, or refusal of suitable work; to deny extended benefits when paid under an interstate claim in a state where the extended benefit period is not in effect; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 3:

Burrows
Chambers
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 497. Mr. Hoagland asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 501.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-102, 15-220, 16-206, and 17-526, Reissue Revised Statutes of Nebraska, 1943; to authorize the licensure and control of animals other than dogs; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 3:

Chambers
Pirsch
Von Minden

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 543 to Select File

Mr. Goodrich moved to return LB 543 to Select File for the following specific amendment:

Add the following new section:

In no case shall the level of low or moderate income, as defined by the fund, exceed the median family income for the state of Nebraska.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mr. Goodrich requested a roll call vote on his motion.

Voting in the affirmative, 23:

Barrett
Beutler
Beyer
Carsten
Chambers
Dworak
Goodrich
Hefner
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Landis
Newell
Nichol
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden

Voting in the negative, 21:

Burrows
Clark
Cope
Cullan
DeCamp
Fowler
Goll
Higgins
Hoagland
Kilgarin
Koch
Maresh
Marsh
Marvel
Peterson, H.

Pirsch
Schmit
Wagner
Warner
Wesely
Wiitala

Present and not voting, 5:

Chronister
Fenger
Fitzgerald
Haberman
Peterson, R.

The Goodrich motion to return lost with 23 ayes, 21 nays, and 5 present and not voting.

Mr. Newell moved to return LB 543 to Select File for the following specific amendment:

Add a new section:

In no case shall the level of low or moderate income, as defined by the fund, exceed a total family income of $26,000 for the State of Nebraska.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 8 nays, and 14 not voting.

Mr. Newell requested a roll call vote on his motion.

Voting in the affirmative, 25:

Beutler
Beyer
Burrows
Chambers
Dworak
Fitzgerald
Fowler
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marvel
Newell
Nichol
Remmers
Sieck
Stoney
Vickers
Von Minden
Wesely
Wiitala

Voting in the negative, 24:

Barrett
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Koch
Maresh
Marsh
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Wagner
Warner

Not voting, 0.

The Newell motion to return prevailed with 25 ayes, 24 nays, and 0 not voting.

SELECT FILE

LEGISLATIVE BILL 543. The Newell specific amendment found in this day's Journal was considered.

Mr. L. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Newell requested a record vote on his amendment.

Voting in the affirmative, 20:

Beutler
Beyer
Chambers
Dworak
Fitzgerald
Fowler
Johnson, V.
Kahle
Kilgarin
Kremer
Lamb
Landis
Newell
Nichol
Remmers
Sieck
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 26:

Barrett
Carsten
Chronister
Clark
Cope
DeCamp
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Koch
Labedz
Maresh
Marsh
Marvel
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Von Minden
Wagner
Warner

Present and not voting, 3:

Burrows
Cullan
Fenger

The Newell amendment lost with 20 ayes, 26 nays, and 3 present and not voting.

Re-Advanced back to Final Reading.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 543. With Emergency.

A BILL FOR AN ACT to amend sections 76-1603, 76-1606, 76-1609, 76-1615, 76-1619, 76-1620, 76-1622, 76-1631, 76-1635, 76-1638, and 76-1648, Revised Statutes Supplement, 1980, relating to the Nebraska Mortgage Finance Fund Act; to define a term; to change provisions relating to the fund's powers; to provide a condition for loans; to make technical and harmonizing revisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 4:

Chambers
Goodrich
Kahle
Vickers

Present and not voting, 5:

Beutler
Cope
Cullan
Marvel
Sieck

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached Reference Report No. 10, Governor's Appointments.

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

Governor's Appointments - Reference

Public Health and Welfare
Wilma Dobesh - Rural Health Manpower Commission

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 466.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to 466

The following changes, required to be reported for publication in the Journal, have been made:

(1) Underscoring has been supplied in the Beutler amendment;

(2) The severability clause has been renumbered as section 4, original section 2 as section 5, and the emergency clause as section 6.

(3) In the title, line 4, "an act" has been stricken and "acts" inserted.

(Signed) Emory P. Burnett
E & R Attorney

MESSAGE FROM THE GOVERNOR

May 18, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 70, 99, 146, and 250 were received in my office on May 14.

These bills were signed by me on May 15, 1981 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

RESOLUTION

LEGISLATIVE RESOLUTION 185.

Introduced by Marvel, 33rd District.

WHEREAS, the Eagleton Institute of Politics at Rutgers University has served State legislatures throughout the United States continuously and successfully since 1966; and

WHEREAS, the Eagleton Institute of Politics has made specific and significant contributions to the improved effectiveness of the legislative institution at the State level in many American States; and

WHEREAS, the Eagleton Institute has, over the years, been of great assistance to the State of Nebraska; and

WHEREAS, the Eagleton Institute of Politics is celebrating its twenty-fifth anniversary in 1981;

NOW THEREFORE BE IT RESOLVED THAT, the Nebraska Legislature congratulates the Eagleton Institute of Politics on the occasion of its twenty-five years of major contributions to the betterment of the American political and governmental system.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 404 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. Insert the following new section:

"Sec. 35. On the effective date of this act, the Nebraska Commission on Aging shall transfer all office equipment, furniture, records, and personnel to the Department on Aging. Any balance remaining from appropriations made to the Nebraska Commission on Aging including appropriations made pursuant to Legislative Bills 559 and 561, Eighty-seventh Legislature, First Session, 1981, shall be transferred to the Department on Aging.".

2. Renumber remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 497 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. On page 2, line 6, strike "and"; and in line 8 before "are" insert "and Legislative Bills 206 and 206A, Eighty-seventh Legislature, First

4 Session, 1981,".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 134 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2420.)

VISITORS

Visitors to the Chamber were 10 students, teacher, and sponsors from St. Paul Lutheran School, Norfolk; a group of students, teachers, and sponsors from Alcott School, Hastings; 24 students, teacher, and sponsors from Clay Center Elementary, Clay Center; 12 students, teacher, and sponsor from St. Stanislaw, Omaha; 42 students, teachers, and sponsors from Holy Ghost School, Omaha; and students from the Political Behavior Class of Papillion High School, Papillion.

RECESS

At 12:01 p.m., on a motion by Speaker Marvel, the Legislature recessed until 1:20 p.m.

AFTER RECESS

The Legislature reconvened at 1:25 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, DeCamp, Fowler, Schmit, Von Minden, and Miss Kilgarin who were excused until they arrive.

MESSAGES FROM THE GOVERNOR

May 18, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bill 463 was received in my office on May 13th.

This bill was signed by me on May 15, 1981 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 18, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 11, 11A, 228, 266, 266A, 296, 296A, 310, 328, 328A, 334, 334A, and 369; as well as Reengrossed Legislative Bills 113, and 113A were received in my office last week.

These bills were signed by me on May 18, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 545.

A BILL FOR AN ACT relating to reports; to amend sections 2-103, 3-105, 24-215, 29-2252, 43-602, 48-608, 49-14,123, 55-129, 71-2004, 71-2704, 71-3708, 71-4609, 80-401.10, 81-846, 81-8,192, 81-1118.02, 82-102, and 84-502, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3265, 19-3905, 39-1320.01, 43-656, 48-1117, 49-904, 50-422, 53-117, 66-469, 68-618, 68-703, 68-1104, 71-2026, 77-3524, 79-328, 81-117, 81-822, 81-1120.15, 81-1219, 81-1318, 81-1423, 81-1833, 83-109, 83-112, 83-163, 83-173, 83-192, 83-1,127, 83-1,149, 83-909, 84-156, 84-702, and 85-9,100, Revised Statutes Supplement, 1980; to change certain reporting requirements to biennial reports as prescribed; to remove certain reporting requirements; and to repeal the original sections, and also sections 2-1212, 2-2316, 2-2813, 46-214, 51-106, 54-151, 54-844, 75-107, 76-516, 81-530, 81-701.03, 81-806, 83-110, 83-174, 85-119, and 85-162, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3811, 48-1,104, 48-1307, 55-130, 71-1,107.22, 71-3830, 72-1256, 81-8,140, 81-8,261, 81-1108.19, 81-1244, 81-1349, 81-1604, 83-4,105, 83-907, and 84-311, Revised Statutes Supplement, 1980.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 48:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Kremer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 381, 384, 441, 470, 501, 543, and 545.

MR. CLARK PRESIDING

MESSAGE FROM THE GOVERNOR

May 18, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 3, 248, 248A, 366, 427, and 427A were received in my office last week.

These bills were signed by me on May 18, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 234 in the Journal. No objections. So ordered.

Strike the Fowler specific amendment found on pg. 1915 and adopted on 5/11/81.

MOTION - Override Governor's Line-Item Vetoes

Messrs. Dworak, Fowler, Stoney, L. Johnson, Cope, and Mrs. Marsh renewed their pending motion found in the Journal on page 2056 to override the Governor's line-item vetoes of the Department of Public Institutions, Program No. 424 - State Aid - Community Mental Retardation, including the final budget for each mental retardation region shown, in Section 11 on pages 10 and 11 of LB 561.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mrs. Marsh requested a roll call vote.

Voting in the affirmative, 28:

Beyer
Carsten
Chambers
Chronister
Cope
Dworak
Fenger
Fitzgerald
Fowler
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Newell
Peterson, H.
Remmers
Sieck
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 19:

Barrett
Beutler
Clark
Cullan
DeCamp
Goll
Goodrich
Haberman
Hefner
Lamb
Maresh
Nichol
Peterson, R.
Pirsch
Rumery
Schmit
Von Minden
Wagner
Warner

Present and not voting, 2:

Burrows
Kremer

The motion to override the Governor's line-item vetoes lost with 28 ayes, 19 nays, and 2 present and not voting.

The Chair declared the Call raised.

GENERAL FILE

LEGISLATIVE BILL 412. Title read. Considered.

Mr. Warner moved to bracket LB 412 till the 1982 session.

SPEAKER MARVEL PRESIDING

Mr. Warner moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Warner requested a roll call vote on his motion.

Voting in the affirmative, 20:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Fenger
Goll
Hefner
Johnson, L.
Kremer
Lamb
Marsh
Marvel
Peterson, H.
Peterson, R.
Rumery
Schmit
Wagner
Warner

Voting in the negative, 23:

Burrows	Haberman	Koch	Pirsch	Von Minden
Chambers	Hoagland	Landis	Remmers	Wesely
DeCamp	Johnson, V.	Maresh	Sieck	Wiitala
Dworak	Kahle	Newell	Stoney	
Fowler	Kilgarin	Nichol	Vickers	

Present and not voting, 5:

Beutler	Cullan	Fitzgerald	Goodrich	Higgins

Absent and not voting, 1:

Labedz

The Warner motion to bracket lost with 20 ayes, 23 nays, 5 present and not voting, and 1 absent and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chair declared the Call raised.

Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 2006. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 14 nays, 9 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 523. Title read. Considered.

Standing Committee amendments, Req. #2220, found in the Journal on page 1978 for the Seventy-Ninth Day were considered.

Mr. Maresh offered the following amendment to the Standing Committee amendments.

5-101.01. ~~The~~ Based on the 1980 federal census, the State of Nebraska is hereby divided into three districts of Representatives to the Congress of the United States, each of which districts shall be entitled to elect one Representative. The limits and designations of the three districts shall be as hereinafter provided: The counties of Richardson, Nemaha, Otoe, Johnson, Pawnee, Gage, Lancaster, Saunders, Saline, Jefferson, Thayer, Fillmore, Seward, York, Butler, Dodge, Colfax, Madison, Stanton, Cuming, Thurston, Wayne, Pierce, Cedar, ~~Knox~~, Dixon, and Dakota, the townships of Salt Creek, South Bend, Greenwood, Elmwood, Tipton, and Stove Creek in Cass County and the townships of Morton, Columbia, Frankfort, Eastern, Dolphin, Dowling, and Lincoln in Knox County shall constitute the first district. The counties of Douglas, Sarpy, ~~Cass,~~ Burt, and Washington, and the county of Cass except the territory in the first district shall constitute the second district. The counties of Hamilton, Clay, Nuckolls, Merrick, Nance, Boone, Antelope, Boyd, Holt, Wheeler, Greeley, Howard, Hall, Platte, Polk, Adams, Webster, Kearney, Franklin, Phelps, Harlan, Gosper, Furnas, Buffalo, Sherman, Valley, Garfield, Keya Paha, Rock, Brown, Blaine, Loup, Custer, Dawson, Lincoln, Frontier, Red Willow, Hayes, Hitchcock, Chase, Dundy, Logan, Thomas, Cherry, Hooker, McPherson, Grant, Arthur, Keith, Perkins, Deuel, Garden, Sheridan, Dawes, Box Butte, Morrill, Cheyenne, Kimball, Banner, Scotts Bluff, ~~and~~ Sioux, and the county of Knox except the territory in the first district shall constitute the third district.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 6 nays, and 21 not voting.

MR. NICHOL PRESIDING

The Maresh amendment lost with 5 ayes, 21 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Carsten offered the following amendment to the Standing Committee amendments:

On line 17 strike the underlined wording.

Mr. Hefner moved for a Call of the House. The motion prevailed with 15 ayes, 3 nays, and 31 not voting.

Mr. Hefner requested a roll call vote on the Carsten amendment.

Voting in the affirmative, 22:

Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Goodrich
Haberman
Johnson, L.
Koch
Kremer
Landis
Maresh
Nichol
Pirsch
Remmers
Rumery
Stoney
Vickers
Warner
Wiitala

Voting in the negative, 25:

Barrett
Beutler
Beyer
Chambers
Fenger
Fitzgerald
Fowler
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Marsh
Marvel
Newell
Peterson, H.
Peterson, R.
Schmit
Sieck
Von Minden
Wagner
Wesely

Present and not voting, 2:

Burrows
Goll

The Carsten amendment lost with 22 ayes, 25 nays, and 2 present and not voting.

The Chair declared the Call raised.

Mr. Warner offered the following amendment to the Standing Committee amendments:

Strike new language in the committee language; insert Burt in line 16; strike "Pierce" in line 16 and in line 20 strike "Burt" and insert "Pierce" in line 7 and strike "Thayer" in line 7.

SPEAKER MARVEL PRESIDING

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Hefner moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Hefner requested a roll call vote on the Warner amendment.

Voting in the affirmative, 25:

Beutler
Burrows
Carsten
Chambers
Clark
Cope
Cullan
Dworak
Fitzgerald
Goodrich
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Maresh
Newell
Nichol
Remmers
Rumery
Stoney
Warner
Wesely
Wiitala

Voting in the negative, 23:

Barrett
Beyer
Chronister
DeCamp
Fenger
Fowler
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Lamb
Marsh

Marvel
Peterson, H.
Peterson, R.
Schmit
Sieck
Vickers
Von Minden
Wagner

Absent and not voting, 1:

Pirsch

The Warner amendment was adopted with 25 ayes, 23 nays, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. Warner moved for a Call of the House. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Warner requested a roll call vote on the Standing Committee amendments.

Voting in the affirmative, 25:

Burrows
Carsten
Chambers
Clark
Cullan
Dworak
Fitzgerald
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Maresh
Marvel
Newell
Remmers
Rumery
Stoney
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 23:

Barrett
Beutler
Beyer
Chronister
Cope
DeCamp
Fenger
Fowler
Goll
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Marsh
Nichol
Peterson, H.
Peterson, R.
Schmit
Sieck
Von Minden
Wagner

Absent and not voting, 1:

Pirsch

The Standing Committee amendments, as amended, were adopted with 25 ayes, 23 nays, and 1 absent and not voting.

Advanced to E & R for Review with 30 ayes, 8 nays, and 11 present and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 243 in the Journal. No objections. So ordered.

Req. #2418

1. On page 3, line 3, strike "The" and insert "Except as provided in section 4 of this act, the".

2. Insert new sections as follows:

"Sec. 2. It shall be the duty of the board of directors of each natural resources district to make a determination of the percentage of project benefits assessed to each of the purposes listed in section 2-3229 prior to the initiation of eminent domain proceedings. Such determination shall be prima facie evidence in any subsequent litigation in which the exercise of the power of eminent domain is at issue.

Sec. 4. With the consent of the Legislature a natural resources district may use eminent domain to acquire property for a project of which seventy-five per cent or more of the benefits are recreational and which has five hundred surface acres of water or less.".

3. Renumber original sections 2, 3, and 4 as sections 3, 5, and 6, respectively.

MESSAGES FROM THE GOVERNOR

May 18, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 317 and LB 317A without my signature and with my objections. These bills are in response to problems that have arisen with special education programs, and their impact is far reaching. I have informed you previously of my adamant opposition to such new and expanded cost provisions. LB 317 is an example of such legislation proposing small changes with potentially vast fiscal and service impact.

The main purpose of LB 317 is to shift the responsibility for residential services provided to handicapped children from the schools to the community retardation agencies. In addition, LB 317 changes the financial arrangements between the schools and these agencies with a resulting shift in costs from the schools to the State. These changes will inevitably cause administrative problems and will further confuse existing statutory responsibilities among State agencies and local entities.

LB 317 was introduced in response to a situation in which a school district was directed by a court to provide a residential program for a handicapped student. LB 317 would mandate that community retardation agencies must provide this service and would have the effect of creating a special class of persons with priority rights to service. In addition to other obvious questions of equity in access to these services, LB 317 conflicts with the effort to appropriately place residents out of the Beatrice State Developmental Center into community-based programs.

LB 317 would divide the administrative oversight function of these programs at the State level between the Department of Education and the Department of Public Institutions. This adds further and unnecessary confusion to the already complex inter-agency/intergovernmental oversight relations in this area.

Finally, LB 317 would remove an existing distinction between those children who attend a program within their home school district and those who are served outside their district. This change could cause unknown financial consequences to the State. State government currently reimburses only those placements which are out of the home school district by long-standing policy.

It is my opinion that our special education statutes are sufficiently complex and should not be changed in the manner suggested by LB 317. The community retardation regions should not be required to serve one group of citizens to the detriment of all other eligible clients. Nor at this time does the State of Nebraska need to assume unknown and potentially large additional costs for an already expensive program. I urge your body to sustain my veto of LB 317 and LB 317A.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:dl

May 18, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Safety Center Advisory Council, requiring legislative confirmation:

Charles Fairbanks, County Sheriff, 131 So. Locust, Grand Island 68801, term expiring August 24, 1982, succeeding Sam Grimminger, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Charles Fairbanks
Safety Center Advisory Council

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 18, 1981 at 3:10 p.m., were the following bills: 381, 384, 441, 470, 501, 543, and 545.

(Signed) Hazel Kaltenberger, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Dworak asked unanimous consent to print the following amendment to LB 376 in the Journal. No objections. So ordered.

1. On page 8, line 20, after "and" insert "(a)"; and in line 22 after "state" insert "or (b) which for the two preceding consecutive years prior to the time such out-of-state bank holding company is authorized to do business in this state as provided in this section has continuously had residents of the State of Nebraska constitute at least twenty-five per cent of its directors and has continuously had residents of the State of Nebraska own, control, or have power to vote five per cent or more of its voting stock".

2. In the DeCamp amendment on page 1983 of the Journal:

(a) On page 1, lines 19 and 27 strike "existing"; in line 20 after "company" insert "as described in this section"; and in line 21 after "Nebraska" insert "during the period commencing on the effective date of this act and".

(b) On page 2, strike beginning with "be" in line 1 through "thereafter" in line 8 and insert "not be allowed to own or control any additional banks during the period commencing on the effective date of this act through December 31, 1982, but an out-of-state bank holding company may increase the banks it owns or controls by one each year beginning January 1, 1983, up to a maximum number of nine such banks, including any banks owned or controlled prior to January 1, 1983".

Mr. Warner asked unanimous consent to print the following amendment to LB 412 in the Journal. No objections. So ordered.

Page 4 line 5 strike "5" insert "3"

Messrs. Nichol and DeCamp asked unanimous consent to print the following amendment to LB 213 in the Journal. No objections. So ordered.

Req. #2436

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 29-2005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2005. Every person arraigned for any crime punishable with death, or imprisonment for life, shall be admitted on his or her trial to a peremptory challenge of twelve jurors, and no more; every person arraigned for any offense that may be punishable by imprisonment for a term exceeding eighteen months and less than life, shall be admitted to a peremptory challenge of six jurors; and in all other criminal trials, the defendant shall be allowed a peremptory challenge of three jurors. The attorney prosecuting on behalf of the state shall be admitted to a peremptory challenge of ~~ten~~ twelve jurors in all cases ~~where~~ when the offense is punishable with death or imprisonment for life, six jurors ~~where~~ when the offense is punishable by imprisonment for a term exceeding eighteen months and less than life, and three jurors in all other cases; Provided, that in all cases where alternate jurors are called, as provided in section 29-2004, then in that case both the defendant and the attorney prosecuting for the state shall each be allowed one added peremptory challenge to each alternate juror.

Sec. 2. That section 29-2203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2203. Any person prosecuted for an offense may plead that he or she is not ~~guilty~~ responsible by reason of insanity ~~or mental derangement~~ at the time of the offense. No evidence offered by the defendant for the purpose of establishing his or her insanity ~~or mental derangement~~ shall be admitted in the trial of the case unless notice ~~thereof~~ of intention to rely upon the insanity defense shall have been given ~~by the defendant as provided in this section~~ to the county attorney and filed with the court not later than thirty days before trial.

~~At the time of defendant's arraignment, or not later than ten days before trial, defendant shall notify the county attorney of his intention to rely upon the defense of insanity or mental derangement as one of his defenses and file such notice.~~ Upon the filing of the notice the court, on motion of the state, may order ~~and good cause shown, may cause~~ the defendant to be examined at a time and place designated in the order, by one or more ~~disinterested,~~ qualified experts, ~~not exceeding three,~~ appointed by the court, ~~at a time and place designated in the order,~~ to inquire into the sanity or insanity of the defendant at the time of the commission of the alleged offense. ~~or offenses.~~ The presence of counsel at the examination shall be within the descretion of the court. The results of such ~~examinations~~ examination shall be filed with the court and copies given to the state and to the defendant. In the interest of justice and good cause shown the court may waive the requirements provided in this section.

In every prosecution wherein the defense is insanity of the defendant, the trier of fact, if it acquits the defendant solely on that ground, must state that fact in its verdict. If the defendant is found not responsible by reason of insanity, the court shall (1) retain jurisdiction over the person of the defendant for further disposition consistent with the terms of this section, and (2) forthwith commit the defendant to the custody of the Director of Medical Services of the Department of Public Institutions for placement in a state regional center for a period not to exceed ninety days for purposes of evaluation. Such evaluation shall include a determination as to whether the defendant is a mentally ill dangerous person as defined in section 83-1009.

The superintendent of the regional center to which the defendant has been committed for evaluation shall be responsible for supervising the evaluation and, if such defendant has been determined to be a mentally ill dangerous person as defined in section 83-1009, for the preparation of an individualized treatment plan for such defendant. Such evaluation and treatment plan shall include the facts upon which conclusions stated therein are based and shall be filed with the court at least ten days prior to the expiration of the evaluation period. Copies of the evaluation and treatment plan shall be furnished to the county attorney and to the defendant.

If the defendant disagrees with the evaluation and the treatment plan, he or she may file a motion with the court requesting an additional evaluation by a qualified expert of the defendant's choice. Such evaluation shall be at defendant's expense unless otherwise ordered by the court. The court may extend the defendant's commitment for an additional period not to exceed sixty days, if necessary, to permit completion of the evaluation requested by the defendant.

Such reevaluation shall include the facts upon which conclusions stated therein are based, and shall be filed with the court at least ten days prior to the expiration of the additional evaluation period. A copy of the reevaluation shall be furnished to the county attorney.

Prior to the expiration of the court-ordered evaluation commitment term, the court shall conduct an evidentiary hearing on the defendant's current mental status. If the court determines by clear and convincing proof that the defendant is a mentally ill dangerous person as defined in section 83-1009, the court shall commit the defendant for treatment to one of the state regional centers. The court shall specify the conditions of such commitment including, but not limited to, the degree of secure confinement and restrictions on the freedom of defendant's movements within and without the institution necessary to insure the safety of the community.

If the court determines that the defendant is not a mentally ill dangerous person as defined in section 83-1009, the court shall order the immediate and unconditional release of such defendant.

The court shall, upon motion of the defendant, county attorney, or on its own motion, conduct periodic review hearings on a defendant's current mental status and the conditions of a defendant's continued commitment. The court shall conduct such a hearing at least annually.

The court shall have exclusive jurisdiction to modify the conditions of such person's continued commitment and the court shall have exclusive jurisdiction to order such person released from further commitment, should the court determine that the defendant is no longer a mentally ill dangerous person as defined in section 83-1009.

~~When the defense is insanity of the defendant, the jury must be instructed, if it acquits him on that ground, to state the fact in its verdict. If the~~

~~defendant is found not guilty by reason of insanity, the court shall forthwith (1) commit defendant to the care and custody of the Director of Medical Services for a period not to exceed thirty days, and (2) certify the verdict to the mental health board of the county and order that board to determine whether the person so acquitted is a mentally ill dangerous person and a fit subject for custody and treatment in a hospital. The certificate and order shall be considered by the mental health board as a petition for admission as provided in section 83-1025.~~

Sec. 3. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 4. That original sections 29-2005 and 29-2203, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title line 7 strike "and" and insert "to provide severability;"; and in line 8 after "sections" insert "; and to declare an emergency".

Messrs. Beutler and DeCamp asked unanimous consent to print the following amendment to LB 352 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2367.)

GENERAL FILE

LEGISLATIVE BILL 352. Title read. Considered.

MR. NICHOL PRESIDING

Messrs. Newell and Burrows renewed their pending amendment found in the Journal on page 2050.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Newell-Burrows amendment lost with 9 ayes, 25 nays, and 15 present and not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Advanced to E & R for Review with 26 ayes, 19 nays, and 4 present and not voting.

The Chair declared the Call raised.

MESSAGE FROM THE GOVERNOR

May 18, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 158, 158A, 197, 197A, 204, 204A, 245, 245A, 292, and 292A were received in my office on May 12th.

These bills were signed by me on May 18, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 383. Placed on General File as amended.
Standing Committee amendments to LB 383:
Req. #2437

1. Strike original sections 1, 2, and 4 and insert new sections as follows:

"Section 1. That subdivision (51) of section 39-602, Revised Statutes Supplement, 1980, be amended to read as follows:

(51) Minibike shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen inches, or an engine-rated capacity of less than forty-five cubic centimeters displacement, ~~or a seat height less than twenty-five inches from the ground,~~ or any other two-wheel motor vehicle primarily designed by the manufacturer thereof for off-road use only. Minibikes, their owners and their operators, shall be

exempt from the requirements of Chapter 60, articles 1, 3, 4, 5, and 17;

Sec. 2. That subdivision (27) of section 60-301, Revised Statutes Supplement, 1980, be amended to read as follows:

(27) Minibike shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen inches, or an engine-rated capacity of less than forty-five cubic centimeters displacement. ~~, or a seat height less than twenty five inches from the ground.~~

Sec. 4. That subsection (5) of section 77-202, Revised Statutes Supplement, 1980, be amended to read as follows:

(5) ~~Motor vehicles~~ Vehicles registered under section 60-305.09 and paying ~~a~~ the registration ~~fee in lieu of taxes~~ fees prescribed in such section shall be exempt from payment of ad valorem taxes.

Sec. 5. That original subdivision (51) of section 39-602, subdivision (27) of section 60-301, section 60-305.09, and subsection (5) of section 77-202, Revised Statutes Supplement, 1980, and also Chapter 77, article 10, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 15, line 8, after the period insert "For the 1981 and 1982 registration years, trailers and semitrailers that operate or are intended to be operated in combination with an apportionable vehicle in a Nebraska based fleet registered under this section shall be included on the uniform application filing for such fleet with such vehicle description as the department shall require. A fee of one dollar for each trailer or semitrailer so included on the fleet application shall be charged and constitute vehicle registration for each trailer or semitrailer.".

(Signed) Maurice Kremer, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. H. Peterson, Nichol, Burrows, L. Johnson, and Sieck asked unanimous consent to print the following amendment to LB 512 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2428.)

ANNOUNCEMENT

Mr. Warner announced a meeting of the Special Legislative Working Group on Federal-State-Local Fiscal and Program Policy in Room 1019, Wednesday, May 20, 1981 upon adjournment. Membership includes Speaker of the Legislature, Executive Board of the Legislative Council chairman, and all Standing Committee chairpersons.

RESOLUTION

LEGISLATIVE RESOLUTION 186.

Introduced by Messrs. Kremer, 34th District; Haberman, 44th District; Rumery, 42nd District.

WHEREAS, the development of significant amounts of energy in Nebraska from alternate and renewable resources is some years away; and

WHEREAS, the Central Nebraska Public Power and Irrigation District and the Nebraska Public Power District have worked together for nine years on the proposed 50 megawatt Kingsley Dam Hydroelectric project near Ogallala; and

WHEREAS, this project will produce the majority of its energy during peak summer time usage, and it has been determined to be economically feasible; and

WHEREAS, based on bids taken and contracts let to date, a total of $19,738,560 below the original cost estimate can be saved if construction proceeds, and furthermore the ratepayers will not lose the $4,600,000 already spent on the project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, FIRST SESSION:

1. That the Boards of Directors of these two Districts proceed to negotiate in good faith in the interest of all Nebraska electricity users, and not try to secure advantages for their Districts.
2. That the two Districts immediately schedule a final joint negotiating session so that a contract fair to both such Districts can be signed prior to May 30, 1981, thus protecting contracts already let and bids already taken and insuring that the plant will be constructed at the lowest possible cost.

Laid over.

VISITORS

Visitors to the Chamber were Mr. and Mrs. Peter Wiese; Jesper Wiese; Mary Ann Wiese; Erik Anderson; Lisa Toft; 10 eighth grade students, sponsors, and teacher from St. Paul's Lutheran School, Arlington; Brenda Perry and Mary Jo Rassmusen from Lincoln; 26 fourth grade students, sponsors, and teachers from Highland Park School, Columbus; Merle Prior from Falls City; Gladyce Koeppel and Muriel Scott from Auburn; Mr. and Mrs. Al Boettcher from Fairbury; Stephen Songster from Exeter; Mrs. Marie Salverda from Sidney, Australia; Anne Johnson from Lincoln; and 5 students and teacher from St. Paul Lutheran, Omaha.

ADJOURNMENT

At 5:24 p.m., on a motion by Speaker Marvel, the Legislature adjourned until 8:00 a.m., Tuesday, May 19, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-THIRD DAY - MAY 19, 1981

LEGISLATIVE JOURNAL

EIGHTY-THIRD DAY - MAY 19, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

EIGHTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 19, 1981

Pursuant to adjournment, the Legislature met at 8:03 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Alvin M. Petersen, Pastor Emeritus, American Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Miss Kilgarin, Mesdames Labedz, Pirsch, Messrs. Beyer, Burrows, Chambers, Cullan, Hoagland, V. Johnson, Koch, Landis, Newell, Warner, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Insert in the Eighty-First Day's Journal.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 14, 1981, at 1:30 p.m., were the following bills: 3, 11, 11A, 12, 70, 99, 146, 228, 250, 266, 266A, 296, 296A, 310, 328, 328A, 361, 366, and 369.

(Signed) Hazel Kaltenberger, Enrolling Clerk

The Journal for the Eighty-First Day was approved as corrected.
The Journal for the Eighty-Second Day was approved.

REPORT

Received third biennial report from the Agricultural Products Industrial Utilization Committee.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 181.

A BILL FOR AN ACT relating to public power; to amend sections 70-407, 70-505, 70-506, 70-509, 70-601 to 70-604, 70-604.05, 70-604.06, 70-607, 70-608, 70-610, 70-612, 70-621, 70-625.02, 70-626, 70-626.01, 70-628, 70-629, 70-631, 70-636, 70-645, 70-647, 70-648, 70-655, 70-662 to 70-667, 70-670, 70-672, 70-680, 70-802 to 70-807, 70-1001, 70-1002, 70-1002.01, 70-1002.03, 70-1004, 70-1011, 70-1014, 70-1015, 70-1017, 70-1019, and 70-1020, Reissue Revised Statutes of Nebraska, 1943, sections 70-1003, 70-1012, and 70-1012.01, Revised Statutes Supplement, 1980, and sections 27, 29 to 34, 51, and 53, Legislative Bill 132, Eighty-seventh Legislature, First Session, 1981; to require reports; to change certain provisions relating to public power districts; to provide definitions; to provide duties; to change provisions relating to delinquent assessments; to harmonize provisions; to make technical corrections; to change duties; and to repeal the original sections, and also section 70-623.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Barrett
Beutler
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Hoagland
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely

Voting in the negative, 0.

Present and not voting, 2:

Goodrich
Higgins

Excused and not voting, 10:

Beyer
Chambers
Cullan
Johnson, V.
Kilgarin
Koch
Newell
Pirsch
Warner
Wiitala

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 165.

A BILL FOR AN ACT to amend section 79-1103.05, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for the payment of high school tuition by the State Department of Education as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 30:

Burrows
Carsten
Clark
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Wagner

Voting in the negative, 8:

Barrett
Beutler
Chronister
Dworak
Stoney
Vickers
Von Minden
Wesely

Present and not voting, 1:

Goodrich

Excused and not voting, 10:

Beyer
Chambers
Cullan
Johnson, V.
Kilgarin
Koch
Newell
Pirsch
Warner
Wiitala

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 165A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 165, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 30:

Burrows
Carsten
Clark
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Hoagland
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Wagner
Wesely

Voting in the negative, 8:

Barrett
Beutler
Chronister
Dworak
Higgins
Stoney
Vickers
Von Minden

Present and not voting, 1:

Goodrich

Excused and not voting, 10:

Beyer
Chambers
Cullan
Johnson, V.
Kilgarin
Koch
Newell
Pirsch
Warner
Wiitala

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 224 to Select File

Mr. Beutler moved to return LB 224 to Select File for the following specific amendment:
Amend LB 224 (final reading copy):
On page 5, strike starting with "for" in line 5 through "a" in line 10, and insert "in the amount of the".

The motion prevailed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 224. The Beutler specific amendment found in this day's Journal was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 234 to Select File

Mr. DeCamp moved to return LB 234 to Select File for the specific amendment found in the Journal on page 2077.

Mr. DeCamp asked unanimous consent to withdraw his motion to return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 234.

A BILL FOR AN ACT to amend sections 48-121 and 48-122, Revised Statutes Supplement, 1980, relating to workmen's compensation; to increase certain payments; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Mr. Fowler requested a roll call vote.

Voting in the affirmative, 18:

Beutler
Burrows
Carsten
Dworak
Fitzgerald
Fowler
Goll
Goodrich
Hoagland
Kilgarin
Labedz
Landis
Marsh
Newell
Pirsch
Vickers
Wesely
Wiitala

Voting in the negative, 24:

Barrett
Chronister
Clark
Cope
DeCamp
Fenger
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Lamb
Maresh
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner

Present and not voting, 1:

Marvel

Excused and not voting, 6:

Beyer
Chambers
Cullan
Johnson, V.
Koch
Warner

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 303.

A BILL FOR AN ACT to amend sections 79-464, 79-706, 79-803.10, 79-803.11, 79-1003.03, and 79-1103, Reissue Revised Statutes of Nebraska, 1943, and section 79-902.01, Revised Statutes Supplement, 1980, relating to schools; to change provisions relating to vacancies as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Barrett
Beutler
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 6:

Beyer
Chambers
Cullan
Johnson, V.
Koch
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 326. Laid over.

LEGISLATIVE BILL 336.

A BILL FOR AN ACT to amend section 83-210.02, Revised Statutes Supplement, 1980, relating to the Department of Public Institutions; to continue authorization for certain radio programs; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Barrett
Beutler
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Rumery

Excused and not voting, 6:

Beyer
Chambers
Cullan
Johnson, V.
Koch
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 336A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 336, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Barrett
Beutler
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Fowler
Marvel

Excused and not voting, 6:

Beyer
Chambers
Cullan
Johnson, V.
Koch
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendment to LB 360

Mr. Schmit asked unanimous consent to withdraw his pending amendment to LB 360 found in the Journal on page 1497. No objections. So ordered.

MOTION - Return LB 360 to Select File

Mr. Carsten moved to return LB 360 to Select File for the following specific amendment:

(Final Reading Copy)

1. On page 9, lines 6 through 8 and lines 22 and 23, strike the new matter and insert "bus, a truck-tractor, or a truck with more than two axles, except one registered as a farm truck,"; and in line 8 after "or" insert "in".

2. On page 13, lines 12 and 13, strike the new matter and insert "bus, truck-tractor, or truck

with more than two axles, except one registered as a farm truck"; and in lines 26 and 27 strike the new matter.

3. On page 14, line 1, lines 5 and 6, lines 14 through 16, and lines 24 and 25, strike the new matter and insert "bus, truck-tractor, or truck with more than two axles, except one registered as a farm truck,".

The motion prevailed with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

MR. NICHOL PRESIDING

SELECT FILE

LEGISLATIVE BILL 360. The Carsten specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 326 to Select File

Messrs. Hoagland and Kremer moved to return LB 326 to Select File for the following specific amendment:

Amend LB 326 (final reading copy):

On page 6, line 12, before "The", insert "It is the intent of the Legislature that the public have maximum input into the formulation of state water policy."; in line 16, strike "draft and final reports" and insert "materials"; and strike starting with "Members" in line 21 through line 23.

The motion prevailed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 326. The Hoagland-Kremer specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 394.

A BILL FOR AN ACT to amend sections 48-627 and 48-649, Reissue Revised Statutes of Nebraska, 1943, and sections 48-624, 48-626, 48-628, and 48-669, Revised Statutes Supplement, 1980, relating to employment security; to change the benefit table, eligibility and disqualificiation provisions, and contribution rates; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Mr. Maresh requested a roll call vote.

Voting in the affirmative, 22:

Barrett
Beutler
Burrows
Carsten
Chambers
Clark
DeCamp
Fitzgerald
Fowler
Goll
Hefner
Hoagland
Kilgarin
Koch
Labedz
Landis
Maresh
Marsh
Vickers
Von Minden
Wesely
Wiitala

Voting in the negative, 18:

Beyer
Chronister
Cope
Dworak
Fenger
Goodrich
Haberman
Higgins
Johnson, L.
Kahle
Kremer
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Stoney

Present and not voting, 6:

Lamb
Marvel
Peterson, R.
Schmit
Sieck
Wagner

Excused and not voting, 3:

Cullan
Johnson, V.
Warner

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

SPEAKER MARVEL PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 411 to Select File

Mr. Sieck moved to return LB 411 to Select File for the specific amendment found in the Journal on page 1982.

Mr. Sieck requested a roll call vote.

Voting in the affirmative, 25:

Beutler
Carsten
DeCamp
Fitzgerald
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Landis
Maresh
Marvel
Newell
Peterson, H.
Pirsch
Sieck
Stoney
Vickers
Von Minden
Wagner

Voting in the negative, 16:

Beyer
Chambers
Clark
Cope
Dworak
Fenger
Fowler
Goll
Kilgarin
Koch
Marsh
Nichol
Remmers
Rumery
Wesely
Wiitala

Present and not voting, 4:

Barrett
Burrows
Chronister
Peterson, R.

Excused and not voting, 4:

Cullan
Johnson, V.
Schmit
Warner

The motion prevailed with 25 ayes, 16 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Nichol asked unanimous consent to pass over LB 411. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 459.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2307, 23-2308, 24-703, 24-710, 24-710.01, 84-1308, 84-1309, and 84-1311, Reissue Revised Statutes of Nebraska, 1943; to revise contributions and benefits for certain retirement systems; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Barrett
Beyer
Carsten
Chambers
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 5:

Beutler
Burrows
Clark
Stoney
Von Minden

Excused and not voting, 3:

Johnson, V.
Schmit
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. CLARK PRESIDING

LEGISLATIVE BILL 459A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 459, Eighty-seventh Legislature, First Session, 1981; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 5:

Beutler
Kahle
Kremer
Stoney
Von Minden

Excused and not voting, 2:

Johnson, V.
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 485.

A BILL FOR AN ACT to amend section 75-711, Reissue Revised Statutes of Nebraska, 1943, and sections 75-710, 75-719, and 75-720, Revised Statutes Supplement, 1980, relating to the Public Service Commission; to change procedures for application for electric line construction; to change certain construction requirements of transmission lines; to change provisions for proposed construction of certain electrical lines; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Von Minden

Excused and not voting, 2:

Johnson, V. Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendment to LB 134

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 2074. No objections. So ordered.

MOTION - Return LB 134 to Select File

Mr. DeCamp moved to return LB 134 to Select File for the following specific amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2435.)

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

The motion to return prevailed with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 134. The DeCamp specific amendment, Req. #2435, referred to in this day's Journal was adopted with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 134 to Select File

Mr. DeCamp moved to return LB 134 to Select File for the following specific amendment:

(Final Reading Copy)

Req. #2426

1. Insert the following new section:

“Sec. 9. That section 70-642.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-642.02. ~~No~~ Any member of the board of directors who has, will have, or later acquires a personal interest, direct or indirect, ~~shall be interested, directly or indirectly,~~ in any transaction with ~~contract to which~~ the district, shall immediately disclose the nature and extent of such interest in writing to the district as soon as he or she has knowledge or such actual or prospective interest. Such disclosure shall be entered upon the minutes of the district. Upon such disclosure such member shall not participate in any action by the district authorizing such transaction. Actions taken when such member reasonably believed that he or she had no conflict shall not be invalidated because of such conflict. The fact that a member is also an officer or owner of an organization shall not be deemed to be a direct or indirect interest unless (1) such member has an ownership greater than five per cent in such organization or (2) the transaction in question does not involve all similar organizations, but rather involves only the district and such organization. ~~or any one for its benefit, is a party, and any such director who shall have such an interest shall be subject to removal from office therefor by the remaining members of the board, subject to review of such action by the district court of the county in which the district maintains its principal place of business. Such interest in any contract by a director shall void the obligation thereof on the part of the power district. Ownership of less than one per cent of the outstanding stock of any one class of any corporation shall not constitute an interest, direct or indirect, within the meaning of this section. The receiving and holding of deposits, cashing of checks, and buying, selling, or holding bonds of indebtedness of a district by a financial institution, or any one or more of such activities, shall not be considered a contract within the meaning of this section.~~”.

2. On page 11, line 6, strike “49-1447 and” and

insert "49-1447,"; and in line 7, after the first comma insert "and 70-642.02,".

Mr. Beutler requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment not germane.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on the following bills: 181, 165, 165A, 303, 336, and 336A. (Final Reading)

(Signed) Jerry Koch

RESOLUTION

LEGISLATIVE RESOLUTION 187.

Introduced by Fowler, 27th District; Wesely, 26th District; V. Johnson, 8th District; DeCamp, 40th District; Wagner, 41st District; Von Minden, 17th District; Fitzgerald, 14th District.

WHEREAS, in 1979 ninety-one Vietnam Veterans Outreach Centers were established around the country to assist in the readjustment of veterans of the Vietnam war era; and

WHEREAS, in their one and one half years of operation such centers have provided needed services to 65,000 veterans and their families; and

WHEREAS, proposed budget cuts threaten to put an end to the Outreach Centers even though the need for their existence is, unfortunately, as pronounced as ever; and

WHEREAS, a nationwide petition drive has been undertaken to urge the continuation of this valuable program; and

WHEREAS, Vietnam veterans organizations are also seeking to be heard on a number of other important issues, including the need for medical research into the effects of exposure to Agent Orange (Dioxin) by Vietnam veterans, the provision of quality medical treatment to veterans exposed to Agent Orange, the thorough investigation of reports that MIA's of the Vietnam war may still be alive and in captivity, and the extension of educational benefits under the GI Bill.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Legislature urge the federal government to address the areas of concern raised by Vietnam veterans, including continuation of the Vietnam Veterans Outreach Centers, research into and treatment of exposure to Agent Orange, resolution of the MIA issue, and the extension of educational benefits for Vietnam veterans.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 243. Title read. Considered.

Mr. Schmit renewed his pending amendment found in the Journal on page 2083.

SPEAKER MARVEL PRESIDING

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 30:

Beyer
Burrows
Carsten
Chambers
Chronister
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Higgins
Johnson, L.
Kahle
Labedz
Lamb
Landis
Maresh
Marvel
Nichol
Peterson, R.
Remmers
Schmit
Stoney
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 6:

Haberman
Hoagland
Marsh
Peterson, H.
Sieck
Vickers

Present and not voting, 12:

Barrett
Beutler
Clark
Cope
Dworak
Kilgarin
Koch
Kremer
Newell
Pirsch
Rumery
Wagner

Excused and not voting, 1:

Johnson, V.

The Schmit amendment was adopted with 30 ayes, 6 nays, 12 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Schmit requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Beutler
Beyer
Burrows
Chambers
Chronister
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Hefner
Higgins
Johnson, L.
Labedz
Lamb
Maresh
Marvel
Nichol
Peterson, R.
Remmers
Rumery
Schmit
Stoney
Von Minden
Warner
Wiitala

Voting in the negative, 13:

Carsten
Clark
Cope
Dworak
Haberman
Hoagland
Kahle
Kremer
Landis
Peterson, H.
Sieck
Vickers
Wagner

Present and not voting, 6:

Barrett
Goodrich
Kilgarin
Koch
Pirsch
Wesely

Excused and not voting, 1:

Johnson, V.

Absent and not voting, 2:

Marsh
Newell

Advanced to E & R for Review with 27 ayes, 13 nays, 6 present and not voting, 1 excused and not voting, and 2 absent and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 412. Placed on Select File as amended.
E & R amendment to LB 412:

1. In the title, line 2, insert "77-1345," after the second comma; at the end of line 5 insert "to change an application date;"; in line 7 strike "and"; and in line 8 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 352. Placed on Select File as amended.
E & R amendment to LB 352:

1. On page 2, line 2, and in the title, line 3, insert "and amendments thereto," after the second comma.

LEGISLATIVE BILL 523. Placed on Select File as amended.
E & R amendments to LB 523:

1. In lieu of the Warner amendment, in the committee amendments, strike the new matter except in lines 7 and 8 on page 1; on page 1, line 15, reinstate the stricken matter; on page 1, line 16, strike "Pierce" and insert "~~Pierce~~ Burt"; and on page 1, line 20 reinstate the stricken matter and strike "Burt," and show stricken; on page 1, insert "Pierce," at the end of line 23; and on page 2, line 7, reinstate the stricken matter.
2. In the title, strike lines 2 to 5 and insert:

"FOR AN ACT to amend section 5-101.01, Reissue Revised Statutes of Nebraska, 1943, relating to apportionment; to change Congressional districts; and to repeal the original section.".

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 316 and 322.

(Signed) Karen Kilgarin, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 181, 165, 165A, 303, 336, 336A, 459, 459A, and 485.

EASE

The Legislature was at ease for a moment while members of the Trade Delegation from Taiwan spoke to the members.

GENERAL FILE

LEGISLATIVE BILL 320. Title read. Considered.

Standing Committee amendments, Req. #2142, found in the Journal on page 769 for the Thirty-Eighth Day were adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Cullan offered the following amendment:

1. On page 3, line 14, after "will" insert "(a) for fiscal years 1981-82 and 1982-83, not generate local tax receipts sufficient to fund the local tax sources receipt portion of the total budget increase permitted by the Political Subdivision Budget Limit Act of 1979, and (b) for fiscal year 1983-84 and all succeeding fiscal years, not"; and in lines 15 through 19 strike the new matter and reinstate the stricken matter.

Messrs. Kahle, Maresh, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Cullan moved for a Call of the House. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

Mr. Cullan requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Burrows
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Goodrich
Haberman
Higgins
Johnson, L.
Lamb
Landis
Peterson, R.
Pirsch
Stoney
Von Minden
Wesely

Voting in the negative, 24:

Barrett
Beutler
Beyer
Carsten
Chambers
Clark
Goll
Hefner
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Marsh
Marvel
Newell
Nichol
Peterson, H.
Rumery
Sieck
Vickers
Wagner
Warner
Wiitala

Present and not voting, 3:

Fitzgerald Remmers Schmit

Excused and not voting, 3:

Kahle Labedz Maresh

The Cullan amendment lost with 19 ayes, 24 nays, 3 present and not voting, and 3 excused and not voting.

Laid over.

VISITORS

Visitors to the Chamber were 25 fourth grade students, sponsors, and teacher from Southeast Consolidated School, Stella; and 51 fifth grade students, teachers, and sponsors from Wildewood Elementary School, Ralston.

RECESS

At 12:17 p.m., on a motion by Mr. Von Minden, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:49 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler and Schmit who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LR 186 in the Journal. No objections. So ordered.

1. On page 2092 of the Journal, on page 1, line 14 strike the period and insert "; and"; after line 14 insert:

"WHEREAS, the two Districts are both working for the same constituency, namely the people of Nebraska, and they should be more concerned with the ultimate good of the citizenry of Nebraska than with the expansion of their respective districts or with personality conflicts between board or staff members of the respective districts.";

and after line 24 insert:

“3. That if the two Districts have not reached a contract agreeable to both by May 30, 1981, they submit to binding arbitration implemented by the Nebraska Power Review Board.”.

GENERAL FILE

LEGISLATIVE BILL 320. Considered.

Mr. Cullan asked unanimous consent to withdraw his pending amendment, Req. #2393, found in the Journal on page 1909. No objections. So ordered.

Mr. Dworak offered the following amendment:
Amendment to Committee Amendment (Req. 2142) on page 769 of the Journal:
On page 1, strike beginning with “semicolon” in line 19 through the period in line 24; and after “the” in line 19, insert “period in line 24.”.

Mr. Barrett moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

MR. CLARK PRESIDING

The Dworak amendment was adopted with 26 ayes, 12 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 30 ayes, 6 nays, 12 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend proposed Rule 8, Section 5, as shown on Journal page 979, as follows:
1. In line 12, strike the words “considered and enacted” and insert the word “passed”; strike the “.” and insert a “,” after the word “Legislature”; then insert “acted upon by the Governor, and any vetoes or line item vetoes have been considered by the Legislature.”

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 19, 1981, at 2:02 p.m., were the following bills: 181, 165, 165A, 303, 336, 336A, 459, 459A, and 485.

(Signed) Hazel Kaltenberger, Enrolling Clerk

NOTICE OF COMMITTEE HEARING
Education

Governor's appointment - Thursday, May 21, 1981 12:00 p.m.
Charles Fairbanks - Safety Center Advisory Council

(Signed) Jerry Koch, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 544 in the Journal. No objections. So ordered.

Proposed Amendment to LB-544

Add new Sections to read as follows:

Section 2. That §39-6,138, Reissue Revised Statutes of Nebraska, 1943 (Reissue 1978) be amended to read as follows:

39-6,138. Motor vehicle lights; general requirements; motorcycles; farm tractors.

(1) Every motor vehicle upon a highway within this state during the period from a half hour after sunset to a half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible persons or vehicles upon the highway at a distance of five hundred feet ahead, shall be equipped with lighted front and rear lamps as respectively required in this section for different classes of vehicles.

(2) Every motor vehicle, other than a motorcycle, road roller, road machinery, or farm tractor, shall be equipped with two or more head lamps, at the front of and on opposite sides of the motor vehicle and with a lamp on the rear exhibiting a red light visible, under normal atmospheric conditions, from a distance of at least five hundred feet to the rear of such vehicle, which head lamps shall comply with the requirements and limitations set forth in sections 39-6,140 and 39-6,142, and, except as to acetylene head lamps, shall be of a type which has been approved by the Department of Motor Vehicles.

(3) Every farm tractor upon a highway within this state during the period from a half hour after sunset to a half hour before sunrise, and at any other time when there is not sufficient light to render clearly

discernible persons or vehicles upon the highway at a distance of five hundred feet ahead, shall be equipped with two or more head lamps, at the front or on opposite sides of the tractor, and with a lamp on the rear exhibiting a red light visible, under normal atmospheric conditions, from a distance of at least five hundred feet to the rear of such tractor, which head lamps shall comply with the requirements and limitations set forth in sections 39-6,140 and 39-6,142, and shall be of a type which has been approved by the Department of Motor Vehicles.

(4) Every motorcycle shall be equipped with at least one and not more than two head lamps and with a lamp on the rear exhibiting a red light visible, under normal atmospheric conditions, from a distance of at least five hundred feet to the rear of such motor vehicle, which head lamp or lamps shall comply with the requirements and limitations set forth in sections 39-6,140 and 39-6,142 and except as to acetylene head lamps, shall be of a type which has been approved by the department.

(5) It shall be unlawful for any owner or operator of any motor vehicle to operate such vehicle upon a highway, unless (a) the condition of the lamps and electric circuit shall be such as to give substantially normal light output; (b) the tail light shall show red directly to the rear, glass therein shall be unbroken, the lamp shall be securely fastened, and its electric circuit free from grounds or shorts; (c) if equipped with spot lamps, the number shall be limited to not more than one spot lamp except for law enforcement personnel, government employees, and public utility employees; (d) if equipped with auxiliary driving lamps, the number shall be limited to not more than two auxillary driving lamps; and such auxiliary lamps, if used, must be mounted on the front at a point not less than fifteen inches above the level surface upon which the vehicle stands, and every such auxiliary lamp or lamps shall meet the statutory requirements for head lamps; (e) if equipped with any lighting device, other than head lamps, spot lamp, or auxiliary driving lamps, which projects a beam of light of an intensity greater than twenty-five candle power, such lighting device shall be so directed that no part of the beam therefrom will strike the level of the surface on which the vehicle stands at a distance of more than fifty feet from the vehicle; and (f) if equipped with side cowl or fender lamps, the number shall be limited to two such lamps, and each such side cowl or fender lamp shall emit an amber or white light.

Section 3. That §39-6,139, Reissue Revised Statutes of Nebraska, 1943 (Reissue 1978) be amended to read as follows:

39-1,139. Vehicle light; spot lamps; auxiliary driving lamps; signal lamps; other devices; color; intensity and direction.

(1) Any motor vehicle may be equipped with ~~not to exceed one spot lamp~~ spot lamps as specified in §39-6,138, and every lighted spot lamp

shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed to the left of the center of the highway nor more than one hundred feet ahead of the vehicle.

(2) Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than twelve inches nor more than forty-two inches above the level surface on which the vehicle stands, and every such auxiliary driving lamp or lamps shall meet the requirements and limitation set forth in section 39-6, 140.

(3) Whenever a motor vehicle is equipped with a signal lamp, the signal lamp shall be so constructed and located on the vehicle as to give a signal, in such color as designated by the Department of Motor Vehicles, which shall be plainly visible in normal sunlight, form a distance of one hundred feet to the rear of the vehicle but shall not project a glaring or dazzling light and shall be of a type approved by the Department of Motor Vehicles.

(4) Any device, other than headlamps, spot lamps or auxiliary driving lamps, which projects a beam of light of an intensity greater than twenty-five candle power, shall be so directed that no part of the beam will strike the level of the surface on which the vehicle stands at a distance of more than fifty feet from the vehicle.

Mr. Newell asked unanimous consent to print the following amendment to LB 523 in the Journal. No objections. So ordered.

Req. #2439

1. Strike the original section and all amendments thereto and insert the following new sections:

“Section 1. That section 5-101.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

5-101.01. The State of Nebraska is hereby divided into three districts of Representatives to the Congress of the United States, each of which districts shall be entitled to elect one Representative. The limits and designations of the three districts shall be as hereinafter provided: The counties of Richardson, Nemaha, Otoe, Johnson, Pawnee, Gage, Lancaster, Saunders, Saline, Jefferson, ~~Thayer,~~ Fillmore, Seward, York, Butler, Dodge, Colfax, Madison, Stanton, Cuming, Thurston, Wayne, Pierce, Cedar, Knox, Dixon, and Dakota, and the townships of Oakland, Bell Creek, Silver Creek, Riverside, Everett, Logan, Decatur, and Quinnebaugh in Burt County shall constitute the first district. The counties of Douglas, Sarpy, Cass, Burt, and Washington, and the territory in Burt County except the territory in the first district shall constitute the second district. The counties of Hamilton, Clay, Nuckolls, Merrick, Nance,

Boone, Antelope, Boyd, Holt, Wheeler, Greeley, Howard, Hall, Platte, Polk, Adams, Webster, Kearney, Franklin, Phelps, Harlan, Gosper, Furnas, Buffalo, Sherman, Valley, Garfield, Keya Paha, Rock, Brown, Blaine, Loup, Custer, Dawson, Lincoln, Frontier, Red Willow, Hayes, Hitchcock, Chase, Dundy, Logan, Thomas, Cherry, Hooker, McPherson, Grant, Arthur, Keith, Perkins, Deuel, Garden, Sheridan, Dawes, Box Butte, Morrill, Cheyenne, Kimball, Banner, Scotts Bluff, Thayer, and Sioux shall constitute the third district.

Sec. 2. That original section 5-101.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. Vickers asked unanimous consent to print the following amendment to LR 186 in the Journal. No objections. So ordered.

1. On page 2092 of the Journal, on page 1, line 14 strike the period and insert "; and" after line 14 insert:

"WHEREAS, the two Districts are both working for the same constituency, namely the people of Nebraska, and they should be more concerned with the ultimate good of the citizenry of Nebraska than with the expansion of their respective Districts or personality conflicts between board or staff members of the respective District."; and after line 24 insert:

"3. That if the two Districts have not reached a contract agreeable to both by May 30, 1981, that Central Nebraska Public Power and Irrigation District be encouraged to proceed with the Kingsley Dam Hydroelectric project by itself and market the resulting power to the Nebraska Electric Generation and Transmission Cooperative, Incorporated.".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to have his name added to LB 134. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 488. Title read. Considered.

Standing Committee amendments, Req. #2223, found in the Journal on page 1106 for the Forty-Ninth Day were considered.

Messrs. Beutler and Wesely offered the following amendment to the Standing Committee amendments:

1. Strike original sections 4, 5, and 8.

2. On page 6, line 22 strike "sections" and insert "section"; and in line 23 strike "81-1010, and 84-723,".

3. In the Standing Committee amendments:

a) Strike amendment 3.

b) On page 2, strike beginning with "in" in line 11 through the semicolon in line 12.

4. Renumber original sections 6, 7, and 9 as sections 4 to 6 respectively.

Mr. Kremer asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

The Beutler-Wesely amendment was adopted with 15 ayes, 7 nays, 25 present and not voting, and 2 excused and not voting.

Mr. Vickers offered the following amendment to the Standing Committee amendments:

Strike the new Sec. 1.

The amendment lost with 6 ayes, 16 nays, 25 present and not voting, and 2 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 3 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 4 nays, and 23 not voting.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 3 nays, and 22 not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review with 28 ayes, 6 nays, 13 present and not voting, and 2 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 321. Title read. Considered.

Standing Committee amendments, Req. #2144, found in the Journal on page 770 for the Thirty-Eighth Day were adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Koch requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

Barrett
Beyer
Burrows
Chronister
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Maresh
Marsh
Marvel
Newell
Peterson, H.
Remmers
Sieck
Stoney
Von Minden
Wiitala

Voting in the negative, 15:

Beutler
Carsten
Clark
Cope
Dworak
Hefner
Lamb
Landis
Nichol
Peterson, R.
Pirsch
Rumery
Vickers
Wagner
Warner

Present and not voting, 1:

Wesely

Excused and not voting, 2:

Kremer
Schmit

Absent and not voting, 1:

Chambers

Advanced to E & R for Review with 30 ayes, 15 nays, 1 present and not voting, 2 excused and not voting, and 1 absent and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Kremer asked unanimous consent to print the following amendment to LB 364 in the Journal. No objections. So ordered.

Amend the Standing Committee Amendments to LB 364 as follows:

1. On page 2, line 24, strike "new"; strike line 25.
2. On page 3, line 2, strike "any"; strike line 3.

MOTION - Reconsider Action

Mr. V. Johnson moved to reconsider the action of the Legislature in failing to pass LB 394 on final reading on May 19, 1981.

Laid over.

MOTION - Override Governor's Veto

Messrs. Fowler and V. Johnson moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line item vetoes of the Department of Roads, Program No. 305 - Assistance to Local Transit Authorities in Section 13 on page 14 of LB 561.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mrs. Pirsch, Messrs. Hoagland, Cullan, and Hefner asked unanimous consent to print the following amendment to LB 213 in the Journal. No objections. So ordered.

Req. #2438

1. Strike sections 2 and 6 added by the Standing Committee amendments and insert the following new sections:

"Sec. 2. That section 29-2203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2203. Any person prosecuted for an offense may plead that he or she is not ~~guilty~~ responsible by reason of insanity ~~or mental derangement~~ at the time of the offense. No evidence offered by the defendant for the purpose of establishing his or her insanity ~~or mental derangement~~ shall be admitted in the trial of the case unless notice ~~thereof shall have been~~ of intention to rely upon the insanity defense is given ~~by the defendant as provided in this section~~ to the county attorney and filed with the court not later than sixty days, before trial.

~~At the time of defendant's arraignment, or not later than ten days before trial, defendant shall notify the county attorney of his intention to rely upon the defense of insanity or mental derangement as one of his defenses and file such notice.~~ Upon the filing of the notice the court, on motion of the state, may order ~~and~~

~~good cause shown, may cause~~ the defendant to be examined at a time and place designated in the order, by one or more ~~disinterested,~~ qualified experts, ~~not exceeding three,~~ appointed by the court, ~~at a time and place designated in the order,~~ to inquire into the sanity or insanity of the defendant at the time of the commission of the alleged offense. ~~or offenses.~~ The court may order that the examination be conducted at one of the regional centers or at any appropriate facility. The presence of counsel at the examination shall be within the discretion of the court. The results of such ~~examinations~~ examination shall be sent to the court and to the prosecuting attorney. ~~filed with the court and copies given to the state and to the defendant.~~ In misdemeanor or felony cases, the defendant may request the court to order the prosecuting attorney to permit the defendant to inspect and copy the results of such examination pursuant to the procedures set forth in sections 29-1912 to 29-1921. In the interest of justice and good cause shown the court may waive the requirements provided in this section.

~~When the defense is insanity of the defendant, the jury must be instructed, if it acquits him on that ground, to state the fact in its verdict. If the defendant is found not guilty by reason of insanity, the court shall forthwith (1) commit defendant to the care and custody of the Director of Medical Services for a period not to exceed thirty days, and (2) certify the verdict to the mental health board of the county and order that board to determine whether the person so acquitted is a mentally ill dangerous person and a fit subject for custody and treatment in a hospital. The certificate and order shall be considered by the mental health board as a petition for admission as provided in section 83-1025.~~ If the trier of fact acquits the defendant on the grounds of insanity, the verdict shall reflect whether the trier acquits him or her on that ground alone or on other grounds as well. When the defendant is acquitted solely on the ground of insanity, the court shall have exclusive jurisdiction over the defendant for disposition consistent with the terms of this section and sections 3 to 6 of this act.

Sec. 6. At each hearing conducted pursuant to sections 3 to 5 of this act, the person shall be entitled to assistance of counsel and such additional rights as are guaranteed by the laws and Constitution of the State of Nebraska and by the United States Constitution.''.

2. In the Standing Committee amendments, Req. 2279:

(a) On page 3, line 15 after ''whether'' insert “there is probable cause to believe the person is dangerous to himself, herself, or others by reason of mental illness or defect, or will be so dangerous in the foreseeable future, as demonstrated by an overt act or threat. If the court finds probable cause, the court shall determine whether”; in line 17 strike “one of the” and insert “a” and strike “centers” and insert “center or other appropriate facility”; in line 18 strike “sixty” and insert “ninety”; in line 25 strike “defendant” and insert “person” and strike “regional”; and in line 26 strike “center” and insert “place of confinement” and after the period insert “The order of commitment specifying the conditions of confinement shall include a finding by the court that any freedom of movement accorded the person outside a locked facility is consistent with the safety of the public.”.

(b) On page 4, line 1 after “center” insert “or the director of the facility”; in line 8 strike “reasonable” and insert “foreseeable” and after “future” insert “, as demonstrated by an overt act or threat”; in line 15 strike “protection” and insert “safety”; in line 20 strike “filed with” and insert “received by”; in line 21 strike “sixty-day”; in line 23 strike “county” and insert “prosecuting”; and in line 27 strike “additional”.

(c) On page 5, line 3 strike “person” and insert “such expert” and strike “the defendant” and insert “a person”; in line 5 strike “commitment” and insert “confinement”; in line 8 strike “requested” and insert “separate”; in line 10 strike “filed with” and insert “received by”; in line 11 strike “additional sixty-day”; strike beginning with “Upon” in line 14 through “29-2203” in line 15 and insert “Prior to the expiration of the evaluation period provided for in section 3 of this act”; in line 17 strike “institution” and insert “facility”; in line 18 strike “shall” and insert “may”; in line 24 strike “reasonable” and insert “foreseeable” and after “future” insert “, as demonstrated by an overt act or threat” and strike beginning with “until” in line 25 through “In” in line 27 and insert “or other appropriate facility.”.

(d) On page 6, line 1, strike “committing the person the” and insert “the”, and strike “review the”; in line 2 strike “treatment plan and shall”; in line 3 strike “his or her” and insert “the person's”; in line 4 strike “regional center” and insert “place of confinement”; in line 5 strike “regional center” and insert “facility”; in line 6 strike “him or her” and insert “the person”; in line 7 after the period insert “The order of commitment specifying the conditions of confinement shall include a finding by the court that any freedom of movement accorded the person outside a locked facility is consistent with the safety of the public.'' and strike ''regional center'' and insert ''facility''; in line 13 after ''upon'' insert ''its own'', after ''motion'' insert ''or upon motion'', and strike the comma and insert ''or''; strike beginning with ''or'' in line 14 through ''her'' in line 15; and strike lines 18 through 27.

(e) On page 7, line 1, strike ''(3)'' and insert ''(2)'' and strike ''following the'' and insert ''as a result of such''; in line 4 strike ''reasonable'' and insert ''foreseeable''; and strike beginning with ''the'' in line 7 through ''Services'' in line 8 and insert ''an appropriate facility''.

3. In the Hoagland amendments, Req. 2335, page 1, line 6, strike ''to a regional center'' and insert ''by an order of a mental health board pursuant to sections 83-1001 to 83-1078''; in line 8 strike ''subject matter''; and in line 11 after the period insert ''Within sixty days of the efffective date of this act, the county attorney in the jurisdiction of the court which tried and acquitted the person shall file with the court which tried and acquitted the person and shall serve on the person, a petition asserting the court's jurisdiction over the person for disposition consistent with sections 3 to 5 of this act. The court shall then conduct an evidentiary hearing on the status of the person pursuant to section 5 of this act.''.

VISITORS

Visitors to the Chamber were Senator Maresh's son-in-law, daughter, and granddaughters, Dr. and Mrs. Joseph DeFlyer, Erika, and Elizabeth from Grand Forks, North Dakota; Sonja Placek from Milford; Mr. and Mrs. David Wilken and Jason from Omaha; and Walt (Robbie) Robinson.

ADJOURNMENT

At 4:19 p.m., on a motion by Mr. Nichol, the Legislature adjourned until 9:00 a.m., Wednesday, May 20, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FOURTH DAY - MAY 20, 1981

LEGISLATIVE JOURNAL

EIGHTY-FOURTH DAY - MAY 20, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

EIGHTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 20, 1981

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Daniel Ondov, Pastor of Trinity Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Miss Kilgaren, Mrs. Labedz, Messrs. Beutler, Burrows, Chambers, Hoagland, Koch, Landis, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2118, line 44, strike through ~~Burt~~ instead of underscoring Burt.
The Journal for the Eighty-Third Day was approved as corrected.

RESOLUTIONS

LEGISLATIVE RESOLUTION 181. Read. Considered.

LR 181 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 182. Read. Considered.

LR 182 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 185. Read. Considered.

LR 185 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 186. Read. Considered.

Messrs. Wagner and Vickers asked unanimous consent to have their names added to LR 186. No objections. So ordered.

Mr. Vickers renewed his pending amendment found in the Journal on page 2114.

Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 2114. No objections. So ordered.

Mr. Vickers renewed his pending amendment found in the Journal on page 2119.

Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 2119. No objections. So ordered.

LR 186 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 187. Read. Considered.

LR 187 was adopted with 29 ayes, 0 nays, and 20 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 134, 224, 326, and 360.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 134

The following changes, required to be reported for publication in the Journal, have been made:

This statement is to Req. 2435

(1) On page 4, line 22, ''or'' has been inserted before ''greetings'';

(2) On page 7, line 3, the semicolon has been stricken and '', ~~;~~'' inserted; and in line 13, ''speaker'' has been stricken and ''Speaker of the Legislature'' inserted;

(3) On page 11, line 8, ''or'' has been stricken and ''~~or~~ and'' inserted; and in line 16, ''49-14,138,'' has been stricken and ''or any''

inserted, and "adopted and promulgated thereunder" has been inserted after "regulation";

(4) On page 15, line 18, "restrict" has been stricken and "change restrictions on" inserted; and in line 16, "statements" has been stricken and "funds" inserted; and in line 19 "to change provisions relating to contributions and gifts;" has been inserted after the semicolon.

(Signed) Emory P. Burnett
E & R Attorney

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wesely asked unanimous consent to have his name added to LB 98. No objections. So ordered.

ANNOUNCEMENT

Speaker Marvel announced today is Senator Beyer's birthday.

MOTION - Bracket LB 39 and LB 39A

Mr. Dworak offered the following Warner motion to bracket LB 39 and 39A till the 1982 Legislative Session.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Warner motion lost with 13 ayes, 31 nays, 4 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 39. With Emergency.

A BILL FOR AN ACT to amend section 68-1022, Revised Statutes Supplement, 1980, relating to medical assistance; to change the amount paid by the county; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 36:

Barrett
Beyer
Burrows
Chambers
Chronister
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Maresh
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 10:

Beutler
Carsten
Clark
Cope
Cullan
Dworak
Goodrich
Landis
Marsh
Stoney

Present and not voting, 2:

Nichol
Schmit

Excused and not voting, 1:

Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 39A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 39, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 37:

Barrett
Beyer
Burrows
Chambers
Chronister
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Maresh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner

Wesely Wiitala

Voting in the negative, 10:

Beutler Clark Cullan Goodrich Marsh
Carsten Cope Dworak Landis Stoney

Present and not voting, 1:

Schmit

Excused and not voting, 1:

Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MR. CLARK PRESIDING

LEGISLATIVE BILL 179. With Emergency.

A BILL FOR AN ACT relating to taxation; to amend sections 76-214, 77-652, 77-801, 77-1242.01, 77-1320.04, 77-2703, 77-2708, 77-2712, and 77-2762, Reissue Revised Statutes of Nebraska, 1943, sections 77-202.03, 77-603, 77-624, 77-625, 77-1303, 77-1701, 77-2702, 77-3505, and 77-3507, Revised Statutes Supplement, 1980, and sections 3 and 9, Legislative Bill 284, Eighty-seventh Legislature, First Session, 1981; to change certain dates; to change filing procedures; to provide for payment of certain judgments; to authorize a refund; to change certain exemptions; to change record-keeping procedures; to authorize the waiver of a penalty; to clarify certain language; to change provisions relating to certain joint returns; to define and redefine terms; to authorize the county treasurer to retain certain funds as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Barrett Burrows Chronister Cullan Fenger
Beutler Carsten Clark DeCamp Fitzgerald
Beyer Chambers Cope Dworak Fowler

Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 1:

Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 252.

A BILL FOR AN ACT to amend sections 46-204, 46-206, 46-234, and 46-235, Reissue Revised Statutes of Nebraska, 1943, relating to surface water; to provide for denial of water applications in the public interest; to define terms; to provide considerations prior to transbasin diversions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Stoney
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 8:

Clark
Haberman
Kahle
Kremer
Maresh
Marvel
Sieck
Vickers

Excused and not voting, 1:

Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 451. With Emergency.

A BILL FOR AN ACT relating to osteopathy; to amend sections 71-1,137, 71-1,139, 71-1,139.01, and 71-1,140, Reissue Revised Statutes of Nebraska, 1943, and sections 33-150, 71-111, 71-112, 71-116, 71-122, 71-139, and 71-162, Revised Statutes Supplement, 1980; to eliminate the duties of the Board of Examiners in Osteopathy; to provide duties for the Board of Examiners in Medicine and Surgery and the Department of Health; to transfer records; to change provisions relating to fees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Koch

Excused and not voting, 1:

Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 499. With Emergency.

A BILL FOR AN ACT relating to the mentally retarded; to define terms; to provide procedure for the determination and assessment of needs for the mentally retarded; to provide for expenses and fees for such procedure; to provide for appointment of counsel; to amend sections 43-210.02, 43-220, 83-382, and 83-388, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions; to eliminate certain provisions relating to the Beatrice State Developmental Center; to repeal the original sections, and also sections 83-220 to 83-222, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 4:

Beutler
Chambers
Kahle
Marvel

Excused and not voting, 1:

Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 529 to Select File

Mr. Chronister moved to return LB 529 to Select File for the specific amendment found in the Journal on page 2064.

Mr. Kahle requested a ruling of the Chair on whether the motion should be treated as a reconsideration motion.

The Chair ruled the Chronister motion was a reconsideration.

Mr. Chronister moved to overrule the Chair.

Mr. Chronister requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 17:

Barrett
Beyer
Chronister
Cullan
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Johnson, L.
Labedz
Lamb
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden

Voting in the negative, 28:

Beutler
Burrows
Carsten
Chambers
Clark
Cope
Fowler
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Koch
Kremer
Landis
Maresh
Marsh
Newell
Nichol
Pirsch
Rumery
Schmit
Sieck
Vickers
Wagner
Wesely
Wiitala

Present and not voting, 3:

DeCamp
Kilgarin
Marvel

Excused and not voting, 1:

Warner

The motion to overrule the Chair lost with 17 ayes, 28 ayes, 3 present and not voting, and 1 excused and not voting.

The Chair was sustained.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 529.

A BILL FOR AN ACT relating to warehouses; to amend sections 88-401, 88-502, 88-503, 88-504, 88-507, and 88-516, Reissue Revised Statutes of Nebraska, 1943, and sections 88-515 and 88-518, Revised Statutes Supplement, 1980; to change provisions for regulation of public grain warehouses and grain buyers; to provide protection for grain sellers or storers; to provide penalties; to provide severability; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 2:

Goll
Stoney

Present and not voting, 2:

Chambers
Johnson, V.

Excused and not voting, 1:

Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 529A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 529, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 42:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 4:

Cullan
Goll
Peterson, H.
Stoney

Present and not voting, 2:

Chambers
Kremer

Excused and not voting, 1:

Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Reconsider Action on LB 234

Messrs. DeCamp and Maresh moved to reconsider our action on LB 234.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Kremer asked unanimous consent to print the following amendment to LB 544 in the Journal. No objections. So ordered.

1. Insert a new section:

"Sec. 1. That section 39-698, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-698. ~~The Department of Roads shall adopt the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways as the uniform system of traffic control devices consistent with the provisions of sections 39-701 to 39-6,122 for use upon all highways within this state, and shall issue such supplements and specifications, correlated with and so far as possible conforming to the system set forth in this state and to conform with such other standards as may be issued or endorsed by the federal highway administrator.~~ Consistent with the provisions of sections 39-601 to 39-6,122, the Department of Roads shall promulgate rules and regulations adopting and implementing a Manual on Uniform Traffic Control Devices, in order to provide a uniform system of traffic control devices for use upon all highways within this state."

MOTIONS - Override Governor's Veto

Mr. Koch moved that pursuant to Rule 6, Section 14, that the Legislature override the Governor line item veto of the State Department of Education, program Number 143, State Aid and School Food Service and Reserve Teacher Act contained in subdivisions (b) and (c) of subsection (1) of Section 5 on pages 3 and 4 of LB 561.

Laid over.

Mr. Koch moved that pursuant to Rule 6, Section 14, that the Legislature override the Governor line item veto of the State Department of Education, program Number 143, State Aid and School Food Service and Reserve Teacher Act contained in subdivision (b) of subsection (1) of Section 5 on pages 3 and 4 of LB 561.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached Reference Report No. 11, Governor's Appointments.

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

Governor's Appointments - Reference

Education
Charles Fairbanks - Safety Center Advisory Council

MOTION - Return LB 389 to Select File

Mr. Wesely moved to return LB 389 to Select File for the following Wesely-Schmit specific amendment:

1. On page 9, in lines 19 and 20 strike "January" and insert "July".

The motion prevailed with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 389. The Wesely-Schmit specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 396A. Mr. Carsten offered the following amendment:

On page 2, line 2, strike "twenty-one thousand one hundred sixty-seven" and insert "ten thousand five hundred thirty-nine"; in line 3, after "Fund" insert "and four thousand dollars from the Liming Materials Cash Fund"; in line 9, strike "fifteen thousand" and insert "eight thousand three hundred".

The amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 556A. Advanced to E & R for Engrossment.

MR. CLARK PRESIDING

LEGISLATIVE BILL 548. Messrs. Vickers, Maresh, and Kahle offered the following amendment:

1. Strike Standing Committee amendment (1) on pages 1928 and 1929 of the Journal.
2. Strike the DeCamp and H. Peterson amendment on page 1929 of the Journal.

Amendment pending.

VISITORS

Visitors to the Chamber were David Stahmer, Steve Tomasek, Connie Findlay, Sylvia Wagner, Fred Conley, Walt Calinger, and Bernie Simon from Omaha; 31 eighth grade students, teacher, and sponsor from Centennial Consolidated School, Utica; 48 fourth grade students and teachers from Springfield; 44 seventh grade students, teachers, and sponsors from Trinity Lutheran School, Grand Island; and 20 fourth grade students, teacher, and sponsors from Edison Grade School, York.

RECESS

At 12:02 p.m., on a motion by Mr. DeCamp, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Newell who was excused until he arrives.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 39, 39A, 179, 252, 451, and 499.

MOTION - Reconsider Action on LB 529

Mr. Chronister moved that the Legislature reconsider their action on Final passage of LB 529.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 103
May 13, 1981

Dear Senator Lamb:

You have asked if section 2 of LB 506 as amended is unconstitutional under Article VII, section 11, of the Nebraska Constitution because it would permit the Department of Health to use appropriated funds to contract with an institution of learning not exclusively owned and controlled by the state or a political subdivision thereof. We have concluded that it probably is unconstitutional.

Section 2 of LB 506 as amended provides:

> The director shall, after deducting expenses incurred in the administration of such funds, distribute such funds exclusively for grants and contracts to postsecondary institutions having colleges of medicine located in the State of Nebraska.

The funds to be distributed under that section are to be appropriated from the General Fund, equivalent to the estimated revenue from part of the cigarette tax imposed by Neb.Rev.Stat. §77-2616.

Article VII, section 11, of the Constitution of the State of Nebraska provides in part that "[n]otwithstanding any other provision of the Constitution, appropriation of public funds shall not be made to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision thereof." There follows an exemption which is inapplicable.

As the court found in Gaffney v. State Department of Education, 192 Neb. 358, 220 N.W.2d 550 (1974), it seems that to state the constitutional provision is to answer your question. That court held:

> The question [of the constitutionality of an act to provide financial assistance to non-public elementary and secondary schools through the loan of secular textbooks by public school boards of education] . . . is fundamentally different than the one presented by state action involving an examination of the standards set up by the United States Supreme Court under the Establishment Clause of the First Amendment. . . . [B]y its terms, the Constitution of Nebraska does not permit an examination of secular or sectarian purposes, a determination of primary or incidental benefit, or a balancing of the issues involved in state-church entanglement and political

> divisiveness. . . . The standards are . . . whether there is a public appropriation, whether the grant is in aid of any sectarian or denominational school or college, . . . [A]ny educational institution which receives such aid must be exclusively owned and controlled by the state or a governmental subdivision thereof.

(Emphasis added.) Supra at 362. The intent of Article VII, section 11, of the Nebraska Constitution is "to prohibit the extension of aid from public funds to nonpublic schools, in any manner, shape, or form." Id. at 363.

The fact that the money will be appropriated to the Department of Health and not directly to a private school is immaterial. "Any legislation passed dealing with this subject and delegating such authority to some agency must properly restrict that agency to the same extent as the Legislature itself is restricted in order to prevent such agency from doing what the Legislature itself could not do." The Legislature cannot do indirectly what it cannot do directly. United Community Services v. The Omaha National Bank, 162 Neb. 786, 805, 77 N.W.2d 576 (1956). See, also, State ex rel. Rogers v. Swanson, 192 Neb. 125, 136, 219 N.W.2d 726 (1974).

LB 506 as amended would permit the grant of appropriated money to a denominational school or college not exclusively owned and controlled by the state or a governmental subdivision thereof for purposes not within the exception expressed in Article VII, section 11. The fact that the state might benefit from the research conducted under such a grant does not affect our conclusion that LB 506, section 2, is unconstitutional. As pointed out above, Article VII, section 11, of the Nebraska Constitution is an absolute bar to such grants and benefit is not a factor to be considered.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Suspend Rules

Speaker Marvel moved to suspend the rules, Rule 2, Section 2 and Rule 7, Section 3, and operate under the following for the balance of the session.

In Rule 7, (C) Motions, Sec. 3. (a), after the words "a. Motion to postpone indefinitely on Select File," insert "unless the introducer(s) of the bill requests that the motion to postpone indefinitely be considered immediately, without the one day delay."

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The motion to suspend the rules lost with 23 ayes, 23 nays, 2 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 548. The Vickers-Maresh-Kahle pending amendment found in this day's Journal was renewed.

Mr. Vickers moved for a Call of the House. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Clark
Cope
Dworak
Goodrich
Haberman
Kahle
Kremer
Lamb
Maresh
Nichol
Pirsch
Remmers
Sieck
Stoney
Vickers
Von Minden
Wagner

Voting in the negative, 29:

Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Newell
Peterson, H.
Rumery
Schmit
Warner
Wesely
Wiitala

Present and not voting, 3:

Beyer
Hefner
Peterson, R.

The Vickers-Maresh-Kahle amendment lost with 17 ayes, 29 nays, and 3 present and not voting.

The Chair declared the Call raised.

Mr. Maresh renewed his pending amendment found in the Journal on page 2050.

The amendment was adopted with 30 ayes, 0 nays, and 19 present and not voting.

Messrs. Fowler and V. Johnson offered the following amendment:
PURPOSE: To provide General funds to fully fund the estimated operating deficits of Public Transportation Systems in the state.
AMENDMENT:
On page 8, after line 27 add the following:
"Pay to the Department of Roads, Program 305, Assistance to Local Transit Authorities out of the General Fund. $358,119.00

Mr. Warner requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment not germane.

Mr. V. Johnson offered the following amendment:
Amend LB 548 by striking claim 181 found at lines 20-24 of the Committee Amendment.

Mr. Koch moved the previous question. The question is, "Shall the debate close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

MR. WESELY PRESIDING

The V. Johnson amendment was adopted with 26 ayes, 6 nays, and 17 present and not voting.

Mr. Warner offered the following amendment:
On page 6, in line 23, strike "General" and insert "Board of Education Lands and Funds Cash".

Mr. Warner asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

SPEAKER MARVEL PRESIDING

Advanced to E & R for Engrossment.

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will be meeting with the Natural Resources Commission at 12 Noon on May 27, 1981, in Room 1517, the purpose being to have an updated report from the Commission on the water planning and review process. Any senators who are interested in hearing this report are invited to attend the meeting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 20, 1981, at 2:25 p.m., were the following bills: 39, 39A, 179, 252, 451, and 499.

(Signed) Hazel Kaltenberger, Enrolling Clerk

MOTION - Rule Change

Messrs. Beutler and Wesely offered the following rule change:

In Rule 7, (C) Motions, Sec. 3. (a), after the words "a. Motion to postpone indefinitely on Select File," insert "unless the introducer(s) of the bill requests that the motion to postpone indefinitely be considered immediately, without the one day delay."

Referred to the Rules Committee.

MOTIONS - Overide Governor's Vetoes

Mr. Koch moved pursuant to Rule 6, Section 11 that the Legislature override the Governor's veto of LB 317.

Laid over.

Mr. Koch moved pursuant to Rule 6, Section 11 that the Legislature override the Governor's veto of LB 317A.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 252 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1. On page 5, line 9, strike "and 6" and insert "to 7"; line 16, after "water" insert "(a)"; and in line 20 after "purposes" insert "or (b) pursuant to a court decree which determines interstate water rights".

2. Insert the following new section:

“Sec. 7. All state agencies are authorized to cooperate with the Director of Water Resources in compiling any information which the director may deem relevant to the determination of whether an interbasin transfer of water application should be granted or denied.”.

3. Renumber section 7 as section 8.

SELECT FILE

LEGISLATIVE BILL 512. E & R amendments found in the Journal on page 1620 for the Seventieth Day were adopted.

Mr. H. Peterson asked unanimous consent to withdraw his pending amendment, Req. #2255, printed separate from the Journal and referred to on page 1270. No objections. So ordered.

Mr. H. Peterson asked unanimous consent to withdraw his pending amendment found in the Journal on page 1355. No objections. So ordered.

Mr. Goodrich asked unanimous consent to withdraw his pending amendment found in the Journal on page 1595. No objections. So ordered.

Messrs. H. Peterson, Nichol, Sieck, and L. Johnson asked unanimous consent to withdraw their pending amendment, Req. #2365, found in the Journal on page 1730. No objections. So ordered.

Mr. Burrows asked unanimous consent to withdraw his pending amendment found in the Journal on page 1897. No objections. So ordered.

Mr. Beutler, Mrs. Pirsch, and Miss Kilgarin offered the following amendment:

1. Strike original sections 4, 5, and 8.

2. On page 3, line 9, strike “24” and insert “21”.

3. On page 4, strike lines 9 through 27.

4. On page 5, line 1, strike “(17)” and insert “(13)”; in line 9 strike “(18)” and insert “(14)”; in line 14 after the semicolon insert “and”; in line 15 strike “(19)” and insert “(15)”; in line 17 strike the semicolon and insert a period; and strike lines 18 through 26.

5. On page 8, line 10, strike “not more than three acres,”; in line 11 strike the comma; and strike beginning with the first “the” in line 14 through “or”

in line 15.

6. On page 10, line 25, strike "16" and insert "13"; and in line 27 strike "12" and insert "9".

7. On page 11, line 2, strike "13" and insert "10"; in lines 4 and 5 strike "15" and insert "12"; in line 6 strike "14" and insert "11"; in line 9 strike "17" and insert "14"; in line 11 strike "18" and insert "15"; in line 13 strike "34" and insert "31"; in line 15 strike "19" and insert "16"; and in line 17 strike "10" and insert "7".

8. On page 17, after line 5 insert a new subsection to read as follows: "(5) This section shall apply to a lien claimant only when the contracting owner is a protected party."; in line 6 strike "subsections (2) and" and insert "subsection"; after line 9 insert "(b)" Except as against a protected party contracting owner, the lien of a claimant other than a prime contractor is for the amount unpaid under the claimant's contract."; in line 10 strike "(b) The" and insert "(2) Except as modified by subsections (4) and (5) of this section, as against a protected party contracting owner the"; in line 18 strike "(2)" and insert "(3)"; in line 20 strike "(3)" and insert "(4)", and after "a" insert "protected party"; and in line 21 strike "(4)" and insert "(5)".

9. On page 18, line 6, strike "(4)" and insert "(5)", and after "A" insert "protected party"; and in line 22 strike "ninety" and insert "one hundred twenty".

10. On page 19, line 6, strike "24" and insert "21"; and in line 7 strike "25" and insert "22".

11. On page 22, strike beginning with the second "or" in line 12 through "term" in line 14; in line 18 strike "one year" and insert "two years"; and strike beginning with "or" in line 18 through "recording" in line 21.

12. On page 23, strike beginning with "and" in line 1 through "proceeding" in line 2; and strike beginning with "if" in line 8 through "recorded" in line 9.

13. On page 25, line 19, after "released" insert "plus fifteen per cent of such total"; and in line 20 strike "30" and insert "27".

14. On page 26, after line 27 insert a new subsection to read as follows: "(4) This section shall apply only when the real estate improvement contract is with a protected party.".

15. On page 30, line 13, strike "12" and insert "9"; and in line 27 strike "24" and insert "21".

16. On page 33, lines 17 and 18, strike "or continued"; and strike beginning with "and" in line 19 through "lien" in line 22.

17. On page 34, line 7, strike "or continuation";

in line 9 strike "or continued"; and strike beginning with "or" in line 10 through "lien" in line 12.

18. On page 35, line 21, strike "20" and insert "17".

19. On page 36, line 1, strike "21" and insert "18".

20. On page 37, strike lines 9 through 18.

21. On page 38, line 6, strike "19" and insert "16"; strike beginning with "notice" in line 7 through "or" in line 8; and in line 13 strike "30" and insert "27".

22. On page 40, line 3, strike "35" and insert "32".

23. Renumber original sections 6, 7, and 9 to 40 as sections 4, 5, and 6 to 37, respectively.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Beutler-Pirsch-Kilgarin amendment was adopted with 27 ayes, 7 nays, and 15 present and not voting.

Messrs. H. Peterson, Nichol, Burrows, L. Johnson, and Sieck renewed their pending amendment, Req. #2428, printed separate from the Journal and referred to on page 2091.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Mr. H. Peterson moved for a Call of the House. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Mr. H. Peterson requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Burrows
Carsten
Chronister
Clark
Cope
Fenger
Goodrich
Hefner
Higgins
Johnson, L.
Kremer
Landis
Marsh
Marvel
Nichol
Peterson, H.
Sieck
Von Minden
Warner
Wesely

Voting in the negative, 27:

Barrett
Beutler
Beyer
Chambers
Cullan
DeCamp
Dworak
Fitzgerald
Fowler
Goll
Haberman
Hoagland
Johnson, V.
Kahle
Kilgarin

Labedz
Lamb
Maresh
Newell
Peterson, R.
Pirsch
Rumery
Schmit
Stoney
Vickers
Wagner
Wiitala

Present and not voting, 2:

Koch
Remmers

The H. Peterson et al amendment lost with 20 ayes, 27 nays, and 2 present and not voting.

The Chair declared the Call raised.

Messrs. Vickers and Goll renewed their pending amendment found in the Journal on page 1668.

Messrs. Vickers and Goll asked unanimous consent to withdraw their pending amendment found in the Journal on page 1668.

Mr. Hoagland moved to suspend the rules, Rule 6, Sec. 5 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the advancement of LB 512.

The Hoagland motion to suspend the rules prevailed with 31 ayes, 6 nays, and 12 present and not voting.

Advanced to E & R for Engrossment with 26 ayes, 5 nays, and 18 present and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 488. Placed on Select File as amended.
E & R amendments to LB 488:

1. In the title, line 3, strike "sections" and insert "section"; in lines 3 and 4 strike "81-1010, and 84-723,"; in line 5, strike "84-201.01" and insert "75-104, 84-201.01,"; in lines 6 and 7, strike "to define a term;"; and strike beginning with "to" in line 8 through the semicolon in line 10.
2. Strike original section 1.
3. In lieu of all other amendments renumbering sections, renumber original sections 2, 6, 7, and 9 as sections 1, 3, 4, and 5, respectively.
4. In the standing committee amendments, page 1, line 4, strike "3" and insert "2".

LEGISLATIVE BILL 320. Placed on Select File as amended. E & R amendment to LB 320:

1. In the title, line 3, insert "79-2650.07," after the first comma; in line 6, after "levy" insert "and expend"; strike beginning with the second "to" in line 6 through the semicolon in line 8 and insert "to modify a prohibition on certain expenditures;"; and strike beginning with "to" in line 10 through line 13 and insert "to change an advisory committee; and to repeal the original sections.".

LEGISLATIVE BILL 243. Placed on Select File as amended. E & R amendment to LB 243:

1. In the Schmit amendments adopted 5/18, line 13, insert an underscored comma after "Legislature".

LEGISLATIVE BILL 321. Placed on Select File as amended. E & R amendments to LB 321:

1. On page 3, line 8, insert "of this act" after "9".
2. On page 5, line 20, strike "improvement" and insert "improvements".
3. On page 7, line 16, strike "handicapped" and insert "handicap".
4. On page 11, lines 7 and 8, strike "section 84-306.01" and insert "sections 84-306.01 to 84-306.05"; and in line 16 strike "provided" and insert "but".
5. On page 12, line 9, strike "to".
6. On page 14, line 8, strike "to".
7. On page 16, line 21, strike "provided that" and insert "but".
8. On page 17, line 16, strike "hereunder".
9. On page 21, line 26, strike the first comma.
10. On page 27, line 27, strike the comma.
11. On page 35, line 10, strike "herein given" and insert "given in this act".
12. On page 36, line 24, insert "recorded" after "be".
13. On page 38, line 7, strike "hereby"; and in line 11 strike "herein" and insert "in this section" after "contained".
14. On page 39, line 2, strike ". If, however," and insert ", except that if".
15. In the title, line 6, strike "and"; and in line 7 insert "; and to declare an emergency" after "severability".
16. On page 14, line 10, strike the comma, and in line 11, strike "to".
17. On page 15, line 10, strike the comma and before "refund" insert "and".

(Signed) Karen Kilgarin, Chairperson

MR. NICHOL PRESIDING

SELECT FILE

LEGISLATIVE BILL 213. E & R amendments found in the Journal on page 1645 for the Seventy-First Day were adopted.

Messrs. Hoagland, Cullan, Hefner, and Mrs. Pirsch asked unanimous consent to withdraw their pending amendment, Req. #2398, found in the Journal on page 1987. No objections. So ordered.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Hoagland, Cullan, Hefner, and Mrs. Pirsch renewed their pending amendment, Req. #2438, found in the Journal on page 2122.

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 111. Considered.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for Engrossment with 25 ayes, 11 nays, and 13 present and not voting.

MESSAGE FROM THE GOVERNOR

May 15, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bill 361 was received in my office on May 14. This bill was signed by me on May 15, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

SELECT FILE

LEGISLATIVE BILL 138. Considered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, Req. #2201, found in the Journal on page 1044. No objections. So ordered.

Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 1156. No objections. So ordered.

Mr. Chambers asked unanimous consent to withdraw his pending amendment found in the Journal on page 1148. No objections. So ordered.

Mr. Clark requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 9 nays, and 14 present and not voting.

LEGISLATIVE BILL 531. E & R amendment found in the Journal on page 1158 for the Fifty-Second Day was adopted.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1701.

The amendment was adopted with 26 ayes, 0 nays, and 23 present and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 129. E & R amendment found in the Journal on page 1997 for the Eightieth Day was adopted.

Mr. Wesely renewed his pending amendment, Req. #2342, found in the Journal on page 2063.

Mr. Wesely asked unanimous consent to withdraw his pending amendment found in the Journal on page 2063. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 129A. Mr. Warner offered the following amendment:

On page 2, in line 2, strike "four hundred" and insert "three hundred and nineteen".

Insert the following new sections 3 and 4:

"Sec. 3. There is hereby appropriated eighty one thousand dollars from the General Fund for the period July 1, 1981, to June 30, 1982, to the Department of Motor Vehicles, for Program 644 - Highway Safety to aid in carrying out the provisions of Legislative Bill 129, Eighty-Seventh Legislature, First Session, 1981. There shall be no expenditures for permanent and temporary salaries and per diems from funds appropriated in this section.

Sec. 4. Funds appropriated in section 3 of this act shall be used by the Department of Motor Vehicles for expanding the highway safety program for the purpose of reducing the number of alcohol-involved accidents in the State of Nebraska, with special emphasis on teenage drivers. Any requests for funds to continue this expanded program beyond June 30, 1982, shall be requested as a new and expanded program in future budget request documents."

The amendment was adopted with 26 ayes, 0 nays, and 23 present and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 118. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 318. E & R amendment found in the Journal on page 1997 for the Eightieth Day was adopted.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1905. No objections. So ordered.

Mr. Beutler offered the following amendment:

1. Add a new section 3 to read as follows:

Sec. 3. That section 79-1334, Revised Statutes Supplement, 1980, be amended to read as follows:

79-1334. Each district and the county nonresident tuition fund in eligible counties shall receive financial support from the School Foundation and Equalization Fund based upon the district's pupils inresident enrollment and number of the district's students contracted to other districts or agencies as provided in the fall school district membership report filed pursuant to section 79-1333.02 in each grade at the following rates until that amount which has been appropriated as foundation aid has been totally utilized:

(1) The rate per kindergarten pupil shall be five-tenths times the rate established for a pupil in grades one through six;

(2) The rate per pupil in grades seven and eight shall be one and two-tenths times the rate established for a pupil in grades one through six;

(3) The rate per pupil in grades nine through twelve shall be one and four-tenths times the rate established for a pupil in grades one through six, but such rate shall be reduced proportionally by the amount of time, based on a six-hour day, any student is enrolled at a technical community college for high school credit and who is counted by the technical community college for determining its audited reimbursable educational units as funded under section 79-2651;

(4) The rate per pupil in grades one through six shall be determined by multiplying the enrollment of each of the respective grade categories by the above determined rates and dividing the result into the amount which has been appropriated as foundation aid; and

(5) The office of county superintendent shall receive the foundation aid for those high school pupils for which nonresident tuition is paid by that county. Such funds shall be deposited in the nonresident tuition fund and used for tuition purposes. The county superintendent shall take into account all such funds received when making the computations required by section 79-4,103.

2. On page 14, line 1, strike "3" and insert "4"; in line 3, strike "section" and insert "sections", after "79-1333" insert "and 79-1334".

The amendment was adopted with 25 ayes, 0 nays, and 24 present and not voting.

Messrs. Koch and DeCamp offered the following amendment:
Req. #2448

1. Strike the original repealer section and all amendments thereto and insert the following new sections:

"Sec. 3. That section 79-1233, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1233. (1) No person shall be employed to teach in any public, private, denominational, or parochial school in this state who does not hold a valid Nebraska certificate or permit issued by the Commissioner of Education legalizing him or her to teach the grade or subjects to which elected, except that no Nebraska certificate or permit shall be required of persons teaching exclusively (a) at a private, denominational, or parochial school which has had the provisions of sections 79-1701 to 79-1707 waived as provided by section 4 of this act or (b) in junior colleges organized as part of the public school system.

(2) Public, private, denominational, or parochial schools in the state may employ persons who do not hold a valid Nebraska teaching certificate or permit issued by the Commissioner of Education to serve as aides to a teacher or teachers. Such teacher aides may not assume any teaching responsibilities. A teacher aide may be assigned duties which are nonteaching in nature, if the employing school has assured itself that the aide has been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of his or her work.

Sec. 4. The provisions of sections 79-1701 to 79-1707 shall be waived and not applied to any private, denominational, or parochial school whose director, organization of parents or such director and organization files with the State Department of Education a notarized affidavit stating that their conviction or religious beliefs are violated by the imposition of such provisions. The State Department of Education shall notify the county superintendent of schools if an affidavit has been filed for any school within his or her county. A school for which the affidavit provided in this section has been filed shall, through its director or organization of parents, report annually to the county superintendent of schools the names of the students who are attending such school, the names of their parents or guardians, and the public school district in which they reside. Each parent or guardian of a student attending such a school shall file a notarized affidavit with the county superintendent of schools acknowledging their child's attendance at a school which is exempt from the provisions and supervision of certain state laws, rules, and regulations. A copy of the reports and notarized affidavits provided to the county superintendent shall be forwarded to the State Deaprtment of Education. In asserting inclusion in the exemption provided under this section, the parent or guardian may be required to demonstrate to the State Department of Education:

(1) That the child is receiving regular instruction;

(2) That the instruction is from a structured curriculum or course of study; and

(3) That the child is appropriately proficient in basic disciplines of learning.

Sec. 5. That section 79-1701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1701. ~~All~~ Except as provided in section 4 of this act, all private, denominational, and parochial schools in the State of Nebraska, and all teachers employed or giving instruction therein, shall be subject to and governed by the provisions of the general school laws of the state so far as the same apply to grades, qualifications, and certification of teachers and promotion of pupils. ~~All~~ Except as provided in section 4 of this act, all private, denominational, and parochial schools shall have adequate equipment and supplies, and shall be graded the same and shall have courses of study for each grade conducted therein, substantially the same as those given in the public schools where the children attending would attend in the absence of such private, denominational, or parochial schools.

Sec. 6. Section 4 of this act shall terminate on June 30, 1983, unless reenacted or reestablished by the Legislature.

Sec. 7. That original sections 79-1233, 79-1333.01, and 79-1701, Reissue Revised Statutes of Nebraska, 1943, and section 79-1333, Revised Statutes Supplement, 1980, are repealed.".

2. Renumber remaining sections accordingly.

Mr. DeCamp raised a point of order whether the amendment is germane to the bill.

The Chair ruled the amendment is not germane to the bill.

Mr. DeCamp moved to suspend the rules, Rule 7, Sec. 3(d) and Rule 1, Section 12 to permit consideration of the Koch-DeCamp amendment to LB 318.

MR. CLARK PRESIDING

Mr. H.Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 14 ayes, 4 nays, and 31 not voting.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 28:

Beyer
Burrows
Carsten
Chronister
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Hefner
Higgins
Johnson, L.
Kilgarin
Koch
Kremer
Labedz
Lamb
Maresh
Peterson, H.
Pirsch
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 17:

Barrett
Beutler
Chambers
Clark
Fowler
Goll
Goodrich
Haberman
Hoagland
Johnson, V.
Landis
Marsh
Marvel
Newell
Nichol
Remmers
Wesely

Present and not voting, 4:

Cope
Kahle
Peterson, R.
Vickers

The DeCamp motion to suspend the rules lost with 28 ayes, 17 nays, and 4 present and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

LEGISLATIVE BILL 184. E and R amendments found in the Journal on page 2051 for the Eighty-First Day were adopted.

Mr. Schmit offered the following amendment:

Amendment to Burrows Amendment as shown on page 1609 of the Journal and adopted on page 1767.

1. In line 13, after "Code" insert "; or" and insert a new subsection as follows: "(12) any public corporation which is a political subdivision of this state."

The amendment was adopted with 28 ayes, 0 nays, and 21 present and not voting.

Mr. Goodrich requested a machine vote on the advancement of the bill.

Mr. Burrows moved for a Call of the House. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

Mr. Burrows requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Beutler
Burrows
Carsten
Chambers
DeCamp
Fitzgerald
Fowler
Haberman
Hefner
Hoagland
Johnson, V.
Kahle
Kilgarin
Labedz
Landis
Maresh
Newell
Schmit
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 25:

Beyer
Chronister
Clark
Cope
Cullan
Dworak
Fenger
Goll
Goodrich
Higgins
Johnson, L.
Koch
Lamb
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Wagner
Warner

Present and not voting, 2:

Barrett
Kremer

Failed to advance to E & R for Engrossment with 22 ayes, 25 nays, and 2 present and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 376. E & R amendments found in the Journal on page 2051 for the Eighty-First Day were adopted.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1109. No objections. So ordered.

Mr. Dworak asked unanimous consent to withdraw his pending amendment found in the Journal on page 2050. No objections. So ordered.

Mr. Dworak renewed his pending amendment found in the Journal on page 2085.

Mr. Dworak moved for a Call of the House. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

Mr. Dworak requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Chambers
Cope
Dworak
Fowler
Goll
Hoagland
Johnson, L.
Johnson, V.
Lamb
Maresh
Remmers
Sieck
Stoney
Von Minden

Voting in the negative, 31:

Barrett
Beutler
Beyer
Burrows
Carsten
Cullan
DeCamp
Fenger
Fitzgerald
Goodrich
Haberman
Hefner
Higgins
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Vickers
Warner
Wesely
Wiitala

Present and not voting, 4:

Chronister
Clark
Nichol
Wagner

The Dworak amendment lost with 14 ayes, 31 nays, and 4 present and not voting.

Mr. Barrett moved to indefinitely postpone LB 376.

The Chair declared the Call raised.

Mr. DeCamp moved to suspend the rules, Rule 7, Sec. 3, in order to consider the motion to I.P.P. LB 376 today.

The motion to suspend the rules lost with 26 ayes, 16 nays, and 7 present and not voting.

Laid over.

Mr. Fitzgerald moved to adjourn. The motion lost with 7 ayes, 24 nays, and 18 present and not voting.

LEGISLATIVE BILL 412. E & R amendment found in the Journal on page 2112 for the Eighty-Third Day was adopted.

Mr. Warner renewed his pending amendment found in the Journal on page 2086.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Dworak
Fenger
Goodrich
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Lamb
Maresh
Marsh
Marvel
Peterson, H.
Peterson, R.
Rumery
Schmit
Von Minden
Wagner
Warner

Voting in the negative, 21:

Beutler
Burrows
Chambers
Cullan
Fitzgerald
Fowler
Haberman
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Newell
Nichol
Pirsch
Remmers
Sieck
Stoney
Vickers
Wesely
Wiitala

Present and not voting, 3:

DeCamp
Goll
Koch

The Warner amendment was adopted with 25 ayes, 21 nays, and 3 present and not voting.

Mr. Fowler moved to indefinitely postpone LB 412.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendments to LB 320 in the Journal. No objections. So ordered.

(1)

1. On page 3, line 19, strike the period and insert "but in no instance to exceed the maximum allowable tax levy provided in subsection (1) of this section by more than 1.5 cents on each one hundred dollars."

(2)

1. On page 3, line 14, after "will" insert "(a) for fiscal years 1981-82 and 1982-83, not generate local tax receipts sufficient to fund the local tax sources receipt

portion of the total budget increase permitted by the Political Subdivision Budget Limit Act of 1979, and (b) for fiscal year 1983-84 and all succeeding years,"; and in lines 15 through 19 strike the new matter and reinstate the stricken matter.

SELECT FILE

LEGISLATIVE BILL 523. E & R amendments found in the Journal on page 2112 for the Eighty-Third Day were adopted.

Mr. Newell renewed his pending amendment, Req. #2439, found in the Journal on page 2118.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Mr. Newell requested a record vote on his amendment.

Voting in the affirmative, 12:

Beutler
Carsten
Fitzgerald
Fowler
Higgins
Hoagland
Kilgarin
Labedz
Landis
Newell
Wesely
Wiitala

Voting in the negative, 34:

Barrett
Beyer
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Lamb
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner

Present and not voting, 3:

Burrows
Chambers
Clark

The Newell amendment lost with 12 ayes, 34 nays, and 3 present and not voting.

Mr. Newell offered the following amendment:
Req. #2446

1. Strike the original section and all amendments thereto and insert the following new sections:

"Section 1. That section 5-101.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

5-101.01. The State of Nebraska is hereby divided into three districts of Representatives to the Congress of the United States, each of which districts shall be entitled to elect one Representative. The limits and designations of the three districts shall be as hereinafter provided: The counties of Richardson, Nemaha, Otoe, Johnson, Pawnee, Gage, Lancaster, Saunders, Saline, Jefferson, Thayer, Fillmore, Seward, York, Butler, Dodge, Colfax, ~~Madison,~~ Stanton, Cuming, Thurston, Wayne, ~~Pierce,~~ Cedar, ~~Knox,~~ Dixon, Platte, Polk, Merrick, and Dakota, and the townships of Oakland, Bell Creek, Silver Creek, Riverside, Everett, Logan, Decatur, and Quinnebaugh in Burt County shall constitute the first district. The counties of Douglas, Sarpy, Cass, ~~Burt,~~ and Washington, and the territory in Burt County except the territory in the first district shall constitute the second district. The counties of Hamilton, Clay, Nuckolls, ~~Merrick,~~ Nance, Boone, Antelope, Boyd, Holt, Wheeler, Greeley, Howard, Hall, ~~Platte, Polk,~~ Adams, Webster, Kearney, Franklin, Phelps, Harlan, Gosper, Furnas, Buffalo, Sherman, Valley, Garfield, Keya Paha, Rock, Brown, Blaine, Loup, Custer, Dawson, Lincoln, Frontier, Red Willow, Hayes, Hitchcock, Chase, Dundy, Logan, Thomas, Cherry, Hooker, McPherson, Grant, Arthur, Keith, Perkins, Deuel, Garden, Sheridan, Dawes, Box Butte, Morrill, Cheyenne, Kimball, Banner, Scotts Bluff, Knox, Pierce, Madison, and Sioux shall constitute the third district.

Sec. 2. That original section 5-101.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Newell requested a record vote on his amendment.

Voting in the affirmative, 13:

Burrows
Chambers
Fitzgerald
Fowler
Higgins
Hoagland
Kilgarin
Labedz
Landis
Newell
Pirsch
Wesely
Wiitala

Voting in the negative, 32:

Barrett
Beyer
Carsten
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Lamb
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Stoney
Von Minden
Wagner
Warner

Present and not voting, 4:

Beutler
Clark
Sieck
Vickers

The Newell amendment lost with 13 ayes, 32 nays, and 4 present and not voting.

Mr. Hefner offered the following amendment:
Strike the Warner Amendment adopted May 18 on Page 2081 of Journal on LB 523

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 15 nays, and 7 not voting.

Mr. Carsten requested a ruling of the Chair on whether there had been sufficient debate pursuant to Rule 7, Sec. 4.

The Chair declared there had been sufficient debate.

Mr. Carsten moved to overrule the Chair.

The motion to overrule the Chair prevailed with 25 ayes, 14 nays, 10 present and not voting.

The Chair was overruled.

Mr. L. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 16 nays, and 14 not voting.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 15 nays and 16 not voting.

The Hefner amendment was adopted with 26 ayes, 11 nays, and 12 present and not voting.

Advanced to E & R for Engrossment with 28 ayes, 10 nays, and 11 present and not voting.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 406. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2452.)

(Signed) Elroy Hefner, Chairperson

VISITORS

Visitors to the Chamber were 45 students and teacher from Northeast Senior High School, Lincoln; 19 students, teacher, and sponsors from Edison Elementary School, York; Henry Kasman and Chuck Davey from Scottsbluff; and Lou Armstrong, Fred Lockwood, and Joe Huckfeldt from Gering.

ADJOURNMENT

At 7:29 p.m., on a motion by Mr. Goodrich, the Legislature adjourned until 9:00 a.m., Thursday, May 21, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIFTH DAY - MAY 21, 1981

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

EIGHTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 21, 1981

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Myron J. Pleskac from St. Teresa's Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Fowler, Hoagland, Newell, Schmit, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Fourth Day was approved.

SELECT COMMITTEE REPORT
Rules

The Rules Committee met Wednesday, May 20, 1981 where the following proposed rule change was acted favorably upon and sent to the floor for consideration, in lieu of the rule change proposed by Senator Newell, relating to priority bills (Rule 5, Sec. 6) and found on Journal p. 1779.
Rule 5.
Sec. 6 Scheduling of Bills. Priority Bills
(h) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except that priority bills requiring the expenditure of appropriated funds may be held on final reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on general file, or after one vote on select file, shall return to nonpriority status.

VOTE: For: Wesely, Beutler, Sieck. Absent: Newell, Kahle.

The Rules Committee met Wednesday, May 20, 1981, where it was moved to hold the proposed rule change by Senator Newell, relating to referencing of resolutions (Rule 4, Sec. 8) and found on Journal p. 1851, for further study. This motion passed by a vote of 3 to 1.
VOTE: For: Wesely, Beutler, Sieck. Against: Newell. Absent: Kahle.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 404 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1. On page 2, line 1, strike "Sections 1 to 28 of this" and insert "This".

2. On page 4, line 1, strike "Committee" and insert "Commission"; strike beginning with "Department" in line 1 through "Committee" in line 2 and insert "Nebraska Commission on Aging"; and strike beginning with "Governor" in line 6 through "Legislature" in line 7 and insert "commission pursuant to section 14 of this act".

3. On page 5, line 10, after "to" insert "powers and"; strike beginning with "committee" in line 11 through "regarding" in line 12 and insert "commission shall"; in line 13 strike "The" and insert "Review and approve the"; in line 15 strike "Policies" and insert "Review and approve policies"; in line 16 strike "The" and insert "Study, survey, and assess the"; in line 17 strike "The" and insert "Establish and appoint the membership of a state advisory panel to advise the commission on the"; in line 19 strike "Such" and insert "Review and approve or disapprove such"; in line 20 strike "and"; in line 21 strike "A" and insert "Adopt and submit to the Legislature a"; strike beginning with "for" in line 21 through the period in line 22 and insert a semicolon; after line 22 insert a new subdivision as follows: "(7) Appoint the executive director of the department; and"; and in line 23 strike "The committee shall also act" and insert "(8) Act".

4. On page 6, line 13, strike "department" and insert "commission"; and in line 23 strike "Department" and insert "Nebraska Commission".

5. On page 7, strike lines 13 and 14; in line 15 strike "(11)" and insert "(10)"; and in line 19 strike "sections 1 to 28 of".

6. On page 8, line 1, strike "(12)" and insert

"(11)"; in line 5 strike "(13)" and insert "(12)"; in line 9 strike "(14)" and insert "(13)"; in line 11 after the semicolon insert "and"; strike lines 12 through 16; in line 17 strike "(16)" and insert "(14); strike lines 19 through 21; and in line 25 strike "Governor" and insert "commission".

7. On page 9, line 1, after "director" insert "and authorized by the commission"; and in line 24 strike "sections 1 to 28 of".

8. On page 11, lines 14 and 21, strike "sections 1 to 28 of".

9. On page 12, line 5 and lines 25 and 26, strike "sections 1 to 28 of".

10. On page 14, line 19, strike beginning with "advice" through "Committee" and insert "approval of a majority of the members of the commission".

11. Strike original sections 30 through 36.

12. Delete all underscoring in original sections 1 through 29.

13. In the title, strike beginning with the semicolon in line 3 through "sections" in line 8.

14. Strike any amendments to the final reading copy.

MESSAGE FROM THE GOVERNOR

May 19, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 12 without my signature and with my objections.

LB 12 raises the food sales tax credit by $3.00 per person. This will result in a revenue loss to the State of $4.5 million. Last year, with my agreement, the food sales tax credit was increased by 40%, from $20.00 per person to $28/person.

The current condition of state finances must be of as much concern to you as it is to me. Sales tax receipts alone were $16.5 million below projections at the end of April.Total gross revenue was $23.9 million below projections at the end of April. As I have stated again and again, there is substantial reason for serious concern and a need to act with prudence and self-restraint.

The existing food sales tax credit of $28 is more than adequate. The Department of Revenue reports that 1980 sales tax revenue for food stores (grocery stores, meat and fish markets, dairy products, retail bakeries, etc.) was the equivalent of $22.65 per person. That is $35.6 million sales tax on $1.2 billion of sales. Other business reports and Iowa experience confirms this amount. These figures represent gross sales and include an estimated 15 percent spent on non-food items. For tax year 1980, the State of Nebraska refunded Nebraska taxpayers $42 million for the Food Sales Tax Credit at the current credit of $28 per person.

These figures clearly indicate that even at $28 per person, we are refunding more revenue than is being collected by the state sales tax on food.

Given the fact that the current food sales tax credit is fully adequate for the purpose, and considering our difficult financial situation, I ask your support in sustaining my veto.

Respectfully,
(Signed) CHARLES THONE
Governor

CT:dsd

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 181, LR 182, LR 185, LR 186, and LR 187.

MOTION - Return LB 273 to Select File

Mr. Vickers moved to return LB 273 to Select File for the following specific amendment:

Page 14 - strike the new language in lines 18, 19, & 20, and insert the stricken language in lines 17, 18, 23, & 24.

Mr. Vickers requested a roll call vote on his motion.

Voting in the affirmative, 26:

Barrett
Beyer
Burrows
Carsten
Clark
Cope
Cullan
Dworak
Fenger
Goll
Hefner
Higgins
Hoagland
Kahle
Labedz
Lamb
Maresh
Marsh
Newell
Peterson, R.
Pirsch
Rumery
Stoney
Vickers
Wagner
Wiitala

Voting in the negative, 19:

Beutler
Chronister
DeCamp
Fitzgerald
Goodrich
Haberman
Johnson, L.
Johnson, V.
Kremer
Landis
Marvel
Nichol
Peterson, H.
Remmers
Schmit
Sieck
Von Minden
Warner
Wesely

Present and not voting, 2:

Fowler
Koch

Excused and not voting, 2:

Chambers
Kilgarin

The Vickers motion to return prevailed with 26 ayes, 19 nays, 2 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 273. The Vickers specific amendment found in this day's Journal was renewed.

Mr. Vickers requested a record vote on his amendment.

Voting in the affirmative, 25:

Barrett
Beutler
Beyer
Burrows
Carsten
Clark
Cullan
Dworak
Fenger
Fowler
Goll
Higgins
Hoagland
Kahle
Labedz
Lamb
Maresh
Marsh
Newell
Peterson, R.
Pirsch
Rumery
Vickers
Wagner
Wesely

Voting in the negative, 22:

Chronister
Cope
DeCamp
Fitzgerald
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Koch
Kremer
Landis
Marvel
Nichol
Peterson, H.
Remmers
Schmit
Sieck
Stoney
Von Minden
Warner
Wiitala

Excused and not voting, 2:

Chambers
Kilgarin

The Vickers specific amendment was adopted with 25 ayes, 22 nays, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 273 to Select File

Mrs. Higgins moved to return LB 273 to Select File for the following specific amendment:

To include qualifications for an Insurance Risk Director to include but not be limited to at least 10 years experience in General Liability Insurance; 10 years experience in Workmen's Compensation Ins. and ten years experience in Fire Insurance either as an underwriter or licensed insurance agent.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Mrs. Higgins requested a roll call vote on her motion.

Voting in the affirmative, 18:

Beutler
Burrows
Carsten
Clark
DeCamp
Fitzgerald
Goodrich
Haberman
Higgins
Kahle
Kremer
Labedz
Peterson, R.
Schmit
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 28:

Barrett
Beyer
Cope
Cullan
Dworak
Fenger
Fowler
Goll
Hefner
Hoagland
Johnson, L.
Johnson, V.
Koch
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Warner

Present and not voting, 2:

Chambers
Chronister

Excused and not voting, 1:

Kilgarin

The Higgins motion to return lost with 18 ayes, 28 nays, 2 present and not voting, and 1 excused and not voting.

MOTION - Reconsider Action on LB 273

Mr. Wesely moved to reconsider the Vickers amendment to LB 273.

The Wesely motion prevailed with 25 ayes, 13 nays, and 11 present and not voting.

MOTION - Return LB 273 to Select File

Mr. Wesely moved to return LB 273 to Select File for the following specific amendment:
Strike the Vickers amendment previously adopted.

The Wesely motion prevailed with 26 ayes, 15 nays, and 8 present and not voting.

SELECT FILE

LEGISLATIVE BILL 273. The Wesely specific amendment found in this day's Journal was renewed.

Mr. Vickers requested a record vote on the Wesely amendment.

Voting in the affirmative, 25:

Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Goodrich
Hefner
Higgins
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Lamb
Nichol
Peterson, H.
Remmers
Schmit
Sieck
Stoney
Von Minden
Warner
Wesely

Voting in the negative, 17:

Barrett
Beutler
Beyer
Clark
Cullan
Fowler
Goll
Hoagland
Kahle
Landis
Maresh
Marsh
Newell
Peterson, R.
Rumery
Vickers
Wiitala

Present and not voting, 7:

Burrows
Carsten
Chambers
Haberman
Marvel
Pirsch
Wagner

The Wesely amendment was adopted with 25 ayes, 17 nays, and 7 present and not voting.

Mr. Vickers requested a machine vote on the re-advancement of the bill to Final Reading.

Re-advanced to Final Reading with 33 ayes, 9 nays, and 7 present and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 273. With Emergency.

A BILL FOR AN ACT relating to risk management; to amend sections 11-201.01, 11-202, 11-203, 44-1615, 44-1616, 44-1622, 44-1623, 44-1630, 48-194, 48-197, 48-1,103, 48-1,107, 48-1,109, 60-1008, 81-8,212, 81-8,220, 81-8,225, 81-8,233, 81-8,236, and 81-8,239, Reissue Revised Statutes of Nebraska, 1943, sections 11-201, 48-1,104, and 81-8,226, Revised Statutes Supplement, 1980, and section 25-2165, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 120, Eighty-seventh Legislature, First Session, 1981; to create a Risk Management Program; to provide for a Risk Manager; to create funds; to establish procedure for indemnification of state employees; to change provisions relating to state bonds; to eliminate certain duties of the Department of Insurance; to change provisions relating to the State Employee's Insurance Fund; to change provisions of the workmen's compensation law and the Workmen's Compensation Claims Fund; to change the administration of the State Claims Board as prescribed; to change the membership of such board; to provide for a budget; to provide duties for the Attorney General; to eliminate a duty of the Department of Aeronautics; to provide for payment of certain costs and attorney fees; to provide for indemnification of certain injured parties; to provide severability; to repeal the original sections, and also sections 44-3,102, 44-3,103, and 60-1009, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 7:

Higgins
Kahle
Labedz
Marsh
Marvel
Rumery
Vickers

Present and not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 273A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 273, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 39:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 9:

Clark
Goll
Higgins
Kahle
Labedz
Marsh
Marvel
Rumery
Vickers

Present and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 346.

A BILL FOR AN ACT to adopt the Nebraska Juvenile Code; to amend sections 29-401, 43-228, 43-230, 43-230.01, 43-230.03, 43-230.04, 43-230.05, 43-233.01, 43-234.01, 43-235, 43-236, 43-236.01, 43-237, and 43-238, Reissue Revised Statutes of Nebraska, 1943, and sections 43-229, 43-233, 43-234, and 43-239, Revised Statutes Supplement, 1980; to provide an operative date; and to repeal the original sections, and also sections 43-201, 43-201.01, 43-202, 43-202.01 to 43-202.04, 43-205, 43-205.01 to 43-205.07, 43-206, 43-206.01 to 43206.04, 43-208, 43-209, 43-210.01 to 43-210.04, 43-212, 43-212.01 to 43-212.03, 43-214 to 43-220, 43-226, 43-227, 43-230.02, 43-240 to 43-243, 43-243.01, and 43-244, Reissue Revised Statutes of Nebraska, 1943, and section 43210, Revised Statutes Supplement, 1980.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 3:

Cope
Haberman
Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 257. With Emergency.

A BILL FOR AN ACT relating to energy; to provide for energy efficiency grants to school districts; to create two funds and provide the source and use thereof; to increase the oil and gas severance tax as prescribed; to amend sections 57-703 and 57-705, Reissue Revised Statutes of Nebraska, 1943, and section 77-3424, Revised Statutes Supplement, 1980; to provide for termination of sections; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Maresh
Marsh
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Sieck
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 11:

Carsten
Clark
Cullan
Haberman
Hefner
Lamb
Nichol
Remmers
Stoney
Vickers
Von Minden

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 257A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 257, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Maresh
Marsh
Marvel
Newell
Peterson, H.
Pirsch
Rumery
Schmit
Sieck
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 14:

Carsten
Clark
Cullan
Dworak
Goodrich
Haberman
Hefner
Lamb
Nichol
Peterson, R.
Remmers
Stoney
Vickers
Von Minden

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 466 to Select File

Mrs. Labedz moved to return LB 466 to Select File for the following Labedz-Cullan specific amendment:

(Final Reading Copy)

1. On page 11, after line 25, insert "A petitioning minor may initiate and participate on her own behalf in any proceeding brought pursuant to this subsection and the court may appoint a guardian ad litem for the petitioning minor. The court shall maintain confidentiality as to all proceedings brought pursuant to this subsection.".

The motion to return prevailed with 29 ayes, 1 nay, and 19 present and not voting.

SELECT FILE

LEGISLATIVE BILL 466. The Labedz-Cullan specific amendment was adopted with 32 ayes, 0 nays, and 17 present and not voting.

Advanced to E & R for Re-Engrossment with 28 ayes, 7 nays, and 14 present and not voting.

MOTION - Override Governor's Veto

Mr. Beutler moved pursuant to Rule 6, Section 11, that the Legislature override the Governor's veto of LB 12.

Laid over.

ANNOUNCEMENT

Mr. Warner announced the meeting of the Special Legislative Working Group on Federal-State-Local Fiscal and Program Policy originally scheduled for Wednesday, May 20, 1981, upon adjournment will be rescheduled for next week.
Notice will be forthcoming regarding a specific date and time.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 104
May 19, 1981

Re: Land and Water Conservation Fund

Dear Senator Wesely:

You have inquired whether the Game and Parks Commission may expend funds from the Land and Water Conservation for aid to political subdivisions if federal funding pursuant to Public Law 88-578 is no longer available. You question whether the appropriation in LB 561 would be able to be spent by the state if matching funds are not available from the federal government.

The Land and Water Conservation Fund was created in Neb.Rev.Stat. § 37-428 (Reissue 1978) for the purpose of providing money for matching purposes to be used by the Nebraska Game and Parks Commission for participation with the federal government under Public Law 88-578. The Nebraska Game and Parks Commission was empowered at Neb.Rev.Stat. § 37-427 (Reissue 1978) to perform all acts as may be necessary to conduct, coordinate and carry out the purposes and objectives of that act which are to meet the present and future outdoor recreation needs of this state.

Neb.Rev.Stat. § 37-428 (Reissue 1978) provides in pertinent part:

> All money made available to the Land and Water Conservation Fund for matching purposes by state appropriations shall be remitted to the State Treasurer and by him placed in such fund. Land and Water Conservation Fund money shall be used by the Game and Parks Commission under the provisions of Public Law 88-578, 88th Congress, for financing administrative and project costs thereunder. The Game and Parks Commission may make grants-in-aid to political subdivisions of the state from money made available for matching purposes by state appropriations in amounts not exceeding twenty-five per cent of the cost of approved projects submitted by such political subdivisions.

Public Law 88-578 provides for apportionment among the various states, of funds made available for outdoor and recreational purposes, imposes the requirement of state matching funds and the development of a comprehensive state outdoor recreation plan as well as state compliance with that plan and all projects financed thereunder.

Neb.Rev.Stat. § 37-428 disscusses compliance with P.L. 88-578 but does not mention federal contribution as a condition of the state participation. State funding is statutorially limited to twenty-five per cent of the project cost. Although the Legislature enacted Neb.Rev.Stat. § 37-427 and § 37-428 envisioning compliance with and obtaining matching funds pursuant to the federal law, the state act does not require federal funds as a condition for expenditure of funds from the Land and Water Conservation Fund. The statute does provide that the projects must be approved and that they shall be used under the provisions of Public Law 88-578. We see no reason that a project meeting the requirements under the federal law and being approved by the state should not receive the state funds irrespective of federal participation in funding. A project that meets that state master plan is no less desirable for the present and future outdoor recreation of this state just because the federal government has ceased to appropriate federal funds for such projects. The amount of the state funds for disbursement is fixed, with or without federal participation. Therefore, federal participation does not affect the amount of state money used for any particular project. Further, the Legislture has indicated its approval of the construction of these projects by the enactment of Neb.Rev.Stat. § 37-427 and § 37-428 (Reissue 1978) and by the continued yearly appropriation of funds for these purposes.

It is our conclusion that should the Legislature appropriate funds for expenditure by the Land and Water Conservation Fund for the coming year, the Nebraska Game and Parks Commission would not be precluded from spending those funds on projects meeting the requirements of Public Law 88-578 so long as the state participation does not exceed twenty-five per cent of the cost of the approved projects. We do not read federal participation as a condition to the state participation under the present act.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) G. Roderic Anderson
Assistant Attorney General

GRA:pes
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 105
May 20, 1981

Dear Senator Schmit:

In your letter to this office dated April 15, 1981, you asked "is LB 184, as originally introduced, constitutional?" From subsequent conversations with your staff, we understand that your opinion request now relates to the amendments to LB 184, and that you now wish to know whether those amendments are constitutional. Our opinion is set forth below.

The amendments which are the subject of this opinion strike the original sections of LB 184 and provide that no insurance company shall directly or indirectly own, acquire, or otherwise obtain an interest, whether legal, beneficial, or otherwise in any title to any agricultural land in this state. Certain types of ownership are exempted from this prohibition including bona fide encumbrances taken for purposes of security and ownership where insurance companies acquire agricultural lands in the process of collection of debts. In the latter instance, the lands obtained by the process of collection of debts shall be disposed of within ten years after the title is acquired. The amendments to LB 184 contain definitions of "agricultural land" and other pertinent terms. The amendments further alter various sections of the Nebraska Revised Statutes dealing with insurance so that those statutes prohibit insurance companies from owning agricultural lands for investment purposes. Under the amendments to LB 184, no foreign or alien insurance company shall invest in agricultural land located in the State of Nebraska. The amendments also contain various enforcement provisions which are not pertinent to this discussion.

Legislation similar to the original LB 184 has been considered on numerous occasions by this office. See, Report of the Attorney General, 1971-1972, No. 86 at p. 201 and No. 118 at p. 275; Report of the Attorney General, 1973-1974, No. 116 at p. 159; Report of the Attorney General, 1975-1976, No. 5 at p. 5 and No. 40 at p. 43; Report of the Attorney General, 1977-1978, No. 44 at p. 62 and No. 172 at p. 258. In our most recent opinion on this subject, dated April 13, 1981, we stated that the original LB 184, a form of so-called "family farm" legislation, was of suspect constitutional validity. We based this opinion on the rationale expressed in our earlier opinions; namely, that legislation preventing certain types of corporations from owning agricultural land involved an improper overextension of the Legislature's police power and an improper and invalid legislative classification of corporations in contravention of Article XII, Section 1, and Article III, Section 18, of the Nebraska Constitution pertaining to special laws. Many of the same questions are involved here.

We are mindful that, in general, it is held that the insurance business so affects the public interest that insurance companies may be generally regulated by the state under its police power. Am.Jur.2d, Insurance, §51, 44 C.J.S., Insurance, §56. As is stated in 19 Appleman, Insurance Law and Practice, §10321 (1946):

> A state has the unquestioned power to regulate insurance companies and a method of conducting that kind of business. The business of insurance is considered not to be merely a private right, but a matter of public concern—a franchise subject to regulation by the state for the public good. And in such regulation, the legislatures are considered to have large powers and wide discretion.
>
> The business of insurance is ordinarily deemed to be quasi public in nature, impressed with the public use, so that its regulation, supervision and control are authorized and required to protect the general public in safeguarding the interests of all concerned. Insurance companies are, therefore, subject to such regulation as the state may see fit to impose, so far as such laws and regulations are reasonable.

However, we must still consider whether those amendments involve an improper and invalid form of special law in violation of our Nebraska Constitution.

Article XII, Section 1, of the Nebraska Constitution provides, in part:

> The Legislature shall provide by general law for the organization, regulations, supervision and general control of all corporations, . . . No corporations shall be created by special law, . . .

Article III, Section 18, of the Nebraska Constitution also provides that the Legislature shall not pass local or special laws which grant "to any corporation, association, or individual any special or exclusive privileges." Under the amendments to LB 184, insurance companies are classified differently than other types of corporations in instances where they would own agricultural land. Therefore, the question becomes whether this classification involves an invalid special law under our Nebraska Constitution.

Our Supreme Court has stated that the Legislature may classify objects of legislation if the classification is reasonable and not arbitrary, and if the classification is a legitimate exercise of the legislative power. City of Scottsbluff v. Tiemann, 185 Neb. 256, 175 N.W.2d 74 (1970). Moreover, "[T]he power of classification rests with the Legislature and cannot be interfered with by the courts unless it is clearly apparent that the Legislature has by artificial and baseless classification attempted to evade and violate provisions of the constitution prohibiting local and special legislation." Id. at 266, 175 N.W.2d at 81. Our Supreme Court has also stated, "statutes which are reasonably designed to protect the health, morals, and general welfare do not violate the constitution where the statute operates uniformly on all within a class which is reasonable." State v. Knutson, 178 Neb. 375, 379, 133 N.W.2d 577, 581 (1965). Thus, classifications do not violate the sections of our Constitution cited above if they are reasonable, if they operate uniformly on all members of the class, and if they are reasonably designed to protect the health, morals and general welfare under the police power of the state.

The prohibitions expressed in the amendments to LB 184 would operate uniformly on all insurance companies doing business in the State of Nebraska. However, we can find in these amendments no reasonable purpose which is related to the protection of the general welfare of the state nor specifically the protection of policyholders, potential policyholders, insurance creditors, or other interests relating to insurance.

We are convinced that it would be especially difficult to defend these amendments constitutionally when other provisions of the very statutes amended continue to permit insurance companies to invest in city real estate; in commom stocks of any corporation, provided they have had earnings available for payment of dividends of not less than $100,000 per annum for not less than three years; in the ownership of production payments payable from oil, gas, other hydrocarbons or minerals in producing properties; and in other investments which history tells us are no more related to the protection of the general public or persons dealing with insurance companies then investments in agricultural land.

Another example is section 5 of LB 184 which amends Neb.Rev.Stat. §44-311.03; this section permits every domestic legal reserve life insurance company to invest its funds, in excess of its total liabilities except capital, in any kind of property, including real, personal or mixed which is not otherwise qualified for investment, including investment in stock or debt obligations of subsidiary companies; but, by the present amendments, it may not invest in agricultural land.

In summary, it is our opinion that the prohibitions against insurance companies owning interests in agricultural land, as provided by the amendments to LB 184, cannot be justified as a reasonable exercise of the police power and could not be successfully defended against a claim that they violated the constitutional provisions mentioned above.

Respectfully submitted,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

REPORT OF EMPLOYEES

May 21, 1981

T0: Patrick O'Donnell
FROM: Laura Ashelford
RE: Session Employee Expense

During the month of April, 1981, 147 full and part-time Senators' session employees and temporary session employees were paid a total of $96,317.76. Of this amount, $424.08 was overtime.

Detailed information is on file in the Accounting and Budgeting Office.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 477.

A BILL FOR AN ACT to amend section 81-1423, Revised Statutes Supplement, 1980, relating to law enforcement; to provide aid to witnesses and victims of crime; to create a fund; to provide duties; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 4:

Cullan
Dworak
Lamb
Stoney

Present and not voting, 2:

Beutler
Kremer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 477A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 477, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Barrett
Beyer
Burrows
Carsten
Chambers
Clark
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Higgins

Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 6:

Cullan
Dworak
Goll
Labedz
Lamb
Stoney

Present and not voting, 4:

Beutler
Chronister
Johnson, L.
Kremer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 541 to Select File

Mr. Warner moved to return LB 541 to Select File for the following specific amendment:

Strike the new language in section 2.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. Warner requested a roll call vote on his motion.

Voting in the affirmative, 23:

Barrett
Beutler
Carsten
Chambers
Cope
Cullan
Dworak
Goll
Hoagland
Johnson, L.
Johnson, V.
Kremer
Lamb
Landis
Marsh
Marvel
Peterson, H.
Pirsch
Rumery
Schmit
Stoney
Warner
Wesely

Voting in the negative, 26:

Beyer
Burrows
Chronister
Clark
DeCamp
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Higgins
Kahle
Kilgarin
Koch
Labedz
Maresh
Newell
Nichol
Peterson, R.
Remmers
Sieck
Vickers
Von Minden
Wagner
Wiitala

Not voting, 0.

The Warner motion to return lost with 23 ayes, 26 nays, and 0 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 541.

A BILL FOR AN ACT relating to administrative departments; to amend sections 60-431, 60-432, 60-433, 81-101, and 81-102, Reissue Revised Statutes of Nebraska, 1943; to create a department known as the Nebraska State Patrol; to remove the Nebraska State Patrol from the control of the Department of Roads; to provide duties for the Department of Roads; to provide a monthly expense allowance; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Maresh
Marvel
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Wiitala

Voting in the negative, 11:

Beutler
Chambers
Cullan
Dworak
Johnson, L.
Landis
Marsh
Schmit
Stoney
Warner
Wesely

Present and not voting, 1:

Peterson, H.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 541A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 541, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Barrett
Beyer
Burrows
Chronister
Clark
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hefner
Higgins
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Maresh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wiitala

Voting in the negative, 13:

Beutler
Carsten
Chambers
Cullan
Dworak
Goll
Hoagland
Johnson, L.
Landis
Marsh
Stoney
Warner
Wesely

Present and not voting, 1:

Kremer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 497 to Select File

Mr. DeCamp moved to return LB 497 to Select File for the specific amendment found in the Journal on page 2073.

Mr. DeCamp asked unanimous consent to withdraw his motion to return. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 497.

A BILL FOR AN ACT relating to obsolete statutes; to repeal sections 14-127 to 14-130, 14-132 to 14-135.05, 19-2108 to 19-2110, 31-535, 51-409, 53-160.03 to 53-160.06, 60-431.01, 68-709.01, 71-504, 72-731, 78-101 to 78-109, 81-101.01, 81-102.01, 81-2,186 to 81-2,197, 81-701.05, 81-812.01 to 81-812.03, and 82-116, Reissue Revised Statutes of Nebraska, 1943, and sections 53-160.07 and 81-812.04, Revised Statutes Supplement, 1980.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Schmit

Present and not voting, 1:

Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Override Governor's Veto on LB 561

Mr. Koch renewed his pending motion found in the Journal on page 2137, pursuant to Rule 6, Section 14, that the Legislature override the

Governor line item veto of the State Department of Education, program Number 143, State Aid and School Food Service and Reserve Teacher Act contained in subdivisions (b) and (c) of subsection (1) of Section 5 on pages 3 and 4 of LB 561.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 17 nays, and 20 not voting.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Koch requested a record vote on his motion.

Voting in the affirmative, 17:

Beutler
Chambers
Fowler
Hoagland
Kahle
Kilgarin
Koch
Marsh
Newell
Nichol
Pirsch
Remmers
Schmit
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 31:

Barrett
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kremer
Labedz
Lamb
Landis
Maresh
Marvel
Peterson, H.
Peterson, R.
Rumery
Stoney
Von Minden
Wagner
Warner

Present and not voting, 1:

Clark

The Koch motion lost with 17 ayes, 31 nays, and 1 present and not voting.

UNANIMOUS CONSENT - Member Excused

Mrs. Pirsch asked unanimous consent to be excused Friday, May 22, 1981. No objections. So ordered.

VISITORS

Visitors to the Chamber were C. Joseph Coleman from Clare County, Iowa; 31 sixth grade students, teachers, and sponsors from St. Isidore School, Columbus; John Anderson from Holdrege; 12 Nigerian legislators and staff from the Anambra State House of Assembly; Herbert Smith of the State Department; 16 fifth and sixth grade students and teacher from St. Johns Lutheran School, Waco; 39 fourth grade students, teacher, and sponsors from Trumble Park School, Papillion; Paul Liessl from Cambridge; Wilbur Calvin from Ord; and David Hazell from Omaha.

RECESS

At 12:06 p.m., on a motion by Mr. Newell, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch, Messrs. Hoagland, and Newell who were excused until they arrive.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 389.

Correctly Engrossed

The following bills were correctly engrossed: 396A, 548, and 556A.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 548

The following changes, required to be reported for publication in the Journal, have been made:

The V. Johnson amendment has been interpreted as applying to page 2 of committee amendments.

(Signed) Emory P. Burnett
E & R Attorney

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 257, 257A, 273, 273A, 346, 477, 477A, 497, 529, 529A, 541, and 541A.

UNANIMOUS CONSENT - Member Excused

Mr. Maresh asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION - Override Governor's Veto

Messrs. Fowler and V. Johnson asked unanimous consent to withdraw their pending motion to override the Governor's line-item veto found in the Journal on page 2122. No objections. So ordered.

Mr. Chambers moved to override the Governor's veto of ADC appropriation in LB 561.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Koch moved the previous question. The question is, ''Shall the debate now close?'' The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Chambers requested a roll call vote on his motion to override.

Voting in the affirmative, 25:

Beutler
Burrows
DeCamp
Dworak
Fitzgerald
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Newell
Remmers
Schmit
Sieck
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 21:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Fenger
Goll
Haberman
Hefner
Johnson, L.
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Rumery
Stoney
Von Minden
Warner

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Maresh
Pirsch

The Chambers motion to override lost with 25 ayes, 21 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Messrs. Koch and Newell asked unanimous consent to withdraw the pending motion found in the Journal on page 2137, that pursuant to Rule 6, Section 14, that the Legislature override the Governor line item veto of the State Department of Education, program Number 143, State Aid and School Food Service and Reserve Teacher Act contained in subdivision (b) of subsection (1) of Section 5 on pages 3 and 4 of LB 561. No objections. So ordered.

MOTION - Suspend Rules

Mr. Vickers moved to suspend the rules, Rule 2, Section 2 and Rule 7, Section 7, and adopt the following rule for the balance of the session:

Sec. 7. Reconsideration. (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

(b) Every motion to reconsider shall take preference over all other questions, except a motion to adjourn.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members.

(d) No motion to reconsider a bill on final passage shall be in order.

Mr. Vickers requested a record vote.

Voting in the affirmative, 9:

Cope
Cullan
Hoagland
Kahle
Landis
Newell
Schmit
Vickers
Wiitala

Voting in the negative, 24:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
DeCamp
Dworak
Fitzgerald
Goll
Goodrich
Haberman
Johnson, L.
Johnson, V.
Kilgarin
Nichol
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden
Warner
Wesely

Present and not voting, 14:

Chambers
Fenger
Fowler
Hefner
Higgins
Koch
Kremer
Labedz
Lamb
Marsh
Marvel
Rumery
Sieck
Wagner

Excused and not voting, 2:

Maresh
Pirsch

The Vickers motion to suspend the rules lost with 9 ayes, 24 nays, 14 present and not voting, and 2 excused and not voting.

MOTION - Reconsider Action on LB 234

Messrs. DeCamp and Maresh renewed their pending motion to reconsider their action on LB 234 found in the Journal on page 2136.

The motion to reconsider prevailed with 32 ayes, 2 nays, 13 present and not voting, and 2 excused and not voting.

MR. NICHOL PRESIDING

MOTION - Return LB 234 to Select File

Mr. DeCamp moved to return LB 234 to Select File for the following specific amendment:

Strike the Fowler specific amendment found on pg. 1915 and adopted on 5/11/81.

The DeCamp motion to return prevailed with 28 ayes, 3 nays, 16 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 234. The DeCamp specific amendment found in this day's Journal was adopted with 27 ayes, 7 nays, 13 present and not voting, and 2 excused and not voting.

Mr. Vickers requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 34 ayes, 4 nays, 9 present and not voting, and 2 excused and not voting.

MOTION - Reconsider Action on LB 394

Mr. V. Johnson asked unanimous consent to withdraw his pending motion found in the Journal on page 2122 to reconsider the action of the Legislature in failing to pass LB 394 on final reading on May 19, 1981. No objections. So ordered.

MOTION - Reconsider Action on LB 529

Mr. Chronister asked unanimous consent to withdraw his pending motion found in the Journal on page 2139 to reconsider their action on final passage of LB 529. No objections. So ordered.

MOTION - Override Governor's Veto

Mr. Koch renewed his pending motion found in the Journal on page 2144, pursuant to Rule 6, Section 11 that the Legislature override the Governor's veto of LB 317.

Mr. Koch moved for a Call of the House. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Mr. Koch requested a roll call vote on his motion.

Voting in the affirmative, 17:

Burrows
Chambers
Chronister
Fitzgerald
Fowler
Goodrich
Hoagland
Johnson, V.
Kahle
Kilgarin
Lamb
Landis
Newell
Remmers
Schmit
Vickers
Wiitala

Voting in the negative, 29:

Barrett
Beutler
Beyer
Carsten
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Goll
Haberman
Hefner
Higgins
Johnson, L.
Koch
Kremer
Labedz
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Rumery
Stoney
Von Minden
Wagner
Warner
Wesely

Present and not voting, 1:

Sieck

Excused and not voting, 2:

Maresh
Pirsch

The Koch motion to override the Governor's veto on LB 317 lost with 17 ayes, 29 nays, 1 present and not voting, and 2 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Koch asked unanimous consent to withdraw his pending motion found in the Journal on page 2144, pursuant to Rule 6, Section 11 that the Legislature override the Governor's veto of LB 317A. No objections. So ordered.

MOTION - Reconsider Action on LB 561

Mr. Chambers moved to reconsider our vote on the override of the ADC veto.

Mr. Chambers moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Chambers motion to reconsider their action lost with 22 ayes, 18 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 406 in the Journal. No objections. So ordered.

(Amendments to REQ 2452)

1. On page 4, line 4, strike "52th" each time it appears and insert "52nd".

2. On page 5, line 23, strike the final "to".

3. On page 7, line 5, strike "Candem" and insert "Camden".

4. On page 8, line 13, strike "St. A Charles" and insert "St. Charles".

5. On page 9, line 3, strike "railraod" and insert "railroad".

6. On page 10, in lines 14 and 24, strike "Railroad" and insert "railroad".

7. On page 13, strike beginning with "Clay" in line 19 through "Sheridan" in line 22 and insert "Polk County, that area not lying in legislative district 24".

8. On page 14, line 9, strike "Line" and insert "line"; and in line 17, strike "and" and after "Nuckolls" insert ", and Clay".

9. On page 15, line 27, after "Arthur," insert "Grant,".

10. On page 16, line 7, strike the second "on".

11. On page 17, line 7, strike "and" and after "Banner" insert ", and Garden".

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorable upon the appointment of Marguerite H. Edholm and reappointment of Charles O. Morehouse to the Public Employees Retirement Board.

Senator Goodrich moved and Senator Fowler seconded the motion to approve these two appointments.

Voting for the motion were Senators Fowler, Goodrich, and Rumery. Not present were Senators Warner, Cullan, and Schmit.

The Committee suggests that the apppointments be confirmed by the Legislature and also suggests a record vote.

(Signed) Steve Fowler, Chairperson

NOTICE OF COMMITTEE HEARING
Rules

Rule Change - Wednesday, May 27, 1981 8:00 a.m.

Proposed rule change by Senators Beutler and Wesely, relating to motions to indefinitely postpone, Rule 7 (C) Sec. 3 (a).

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION - Return LB 252 From Governor

Mr. Warner moved to direct the Clerk to request the Governor to return LB 252 to the Legislature for further consideration.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Warner motion lost with 17 ayes, 17 nays, 13 present and not voting, and 2 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 21, 1981, at 3:40 p.m., were the following bills: 257, 257A, 273, 273A, 346, 477, 477A, 497, 529, 529A, 541, and 541A.

(Signed) Hazel Kaltenberger, Enrolling Clerk

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 551. Placed on General File as amended. Standing Committee amendments to LB 551:

Req. #2459

1. Strike the original section and insert new sections as follows:

"Section 1. That section 5-107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

5-107. The State of Nebraska is hereby divided into public service commissioner districts consisting of the hereinafter described territory, and each public service commissioner district shall be entitled to one member:

District No. 1. The counties of Lancaster, Sarpy, Cass, and Otoe;

District No. 2. The county of Douglas except the territory in Public Service Commission district 3;

District No. 3. The counties of Platte, Colfax, Washington, Dodge, Madison, Stanton, Cuming, Burt, Antelope, Pierce, Wayne, Thurston, Knox, Cedar, Dixon, and Dakota; and in Douglas County the territory in legislative districts 3, 4, and 31; and in legislative district 12 beginning at the intersection of 132nd Street and L Street, south on 132nd Street to the Douglas-Sarpy County line, west along the Douglas-Sarpy county line to 144th Street, north on 144th Street to L Street, east on L Street to 132nd Street, the point of beginning;

District No. 4. The counties of Saunders, Butler, Polk, Gage, Seward, York, Hamilton, Saline, Fillmore, Clay, Jefferson, Thayer, Nuckolls, Hall, Adams, Kearney, Webster, Franklin, Nance, Howard, Merrick, Boone, Johnson, Nemaha, Pawnee, Richardson, Phelps, and Harlan;

District No. 5. The counties of Buffalo, Sherman, Gosper, Furnas, Frontier, Red Willow, Hayes, Hitchcock, Chase, Dundy, Dawson, custer, Lincoln, Logan, McPherson, Perkins, Keith, Arthur, Hooker, Thomas, Blaine, Loup, Grant, Brown, Boyd, Keya Paha, Rock, Wheeler, Greeley, Garfield, Valley, Cherry, Deuel, Cheyenne, Kimball, Banner, Scotts Bluff, Morrill, Garden, Sheridan, Dawes, Box Butte, Sioux, and Holt.

~~District No. 1. The counties of Lancaster, Sarpy, Cass, Otoe, Johnson, Nemaha, Pawnee, and Richardson;~~

~~District No. 2. The county of Douglas except the territory in legislative district 4, 10, and 31;~~

~~District No. 3. The counties of Platte, Colfax, Washington, Boone, Madison, Stanton, Cuming, Burt, Holt, Antelope, Pierce, Wayne, Thurston, Knox, Cedar, Dixon, and Dakota; and in Douglas County the territory in legislative districts 4, 10, and 31;~~

~~District No. 4. The counties of Saunders, Dodge, Butler, Polk, Gage, Seward, York, Hamilton, Saline, Fillmore, Clay, Jefferson, Thayer, Nuckolls, Hall, Adams, Kearney, Webster, Franklin, Nance, Howard, and Merrick;~~

~~District No. 5. The counties of Buffalo, Sherman, Phelps, Harlan, Gosper, Furnas, Frontier, Red Willow, Hayes, Hitchcock, Chase, Dundy, Dawson, Custer, Lincoln, Logan, McPherson, Perkins, Keith, Arthur, Hooker, Thomas, Blaine, Loup, Grant, Brown, Boyd, Keya Paha, Rock, Wheeler, Greeley, Garfield, Valley, Cherry, Deuel, Cheyenne, Kimball, Banner, Scotts Bluff, Morrill, Garden, Sheridan, Dawes, Box Butte, and Sioux.~~

Sec. 2. That section 5-107.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

5-107.01. The legislative districts mentioned in section 5-107 are the districts established by sections ~~5-104.07 to 5-104.10~~ 2 to 50, Legislative Bill 406, Eighty-seventh Legislature, First Session, 1981.

Sec. 3. That original sections 5-107 and 5-107.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 552. Placed on General File as amended.
Standing Committee amendments to LB 552:
Req. #2419

1. Strike original section 1 and insert new sections as follows:

"Section 1. That section 5-109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

5-109. The State of Nebraska is hereby divided into the following described Supreme Court judicial districts, each of which shall be entitled to one Supreme Court Judge:

District No. 1. The counties of Lancaster, Gage, Otoe, Johnson, Nemaha, Pawnee, and Richardson.

District No. 2. The counties of Burt, Washington, and in Douglas County, that area not included in Supreme Court Judicial District 4.

District No. 3. The counties of Knox, Cedar, Dixon, Dakota, Pierce, Wayne, Thurston, Madison, Stanton, Cuming, Colfax, Dodge, Butler, Saunders, York, Seward, Fillmore, Saline, Jefferson, and in Cass County, the precincts of Salt Creek, Greenwood, Tipton, South Bend, Elmwood, and Stove Creek.

District No. 4. The county of Sarpy, in Cass County the precincts of Louisville, Center, Weeping Water, Eight Mile Grove, Mount Pleasant, Avoca, Nehawka, Liberty, West Rock Bluffs, East Rock Bluffs, Plattsmouth and the city of Plattsmouth, and in Douglas County, beginning at the intersection of the Sarpy-Douglas County line and 180th Street, north on 180th Street to West Center Road, east on West Center Road to 168th Street, north on 168th Street to Pacific Street, east on Pacific Street to 20th Street, south on 20th Street to Pierce Street, east on Pierce Street to 16th Street, north on 16th Street to Pacific Street, east on Pacific Street to 11th Street, north on 11th Street to Marcy Street, east on Marcy Street to 7th Street and the Union Pacific railroad tracks, east on the Union Pacific railroad tracks to the Iowa-Nebraska state line, south along the Iowa-Nebraska state line to the Sarpy-Douglas county line, west on the Sarpy-Douglas county line to 180th Street, the point of beginning.

District No. 5. The counties of Dundy, Hayes, Hitchcock, Frontier, Red Willow, Dawson, Gosper, Furnas, Phelps, Harlan, Kearney, Franklin, Hall, Adams, Webster, Nuckolls, Thayer, Clay, Hamilton, Merrick, Polk, Nance, Platte, Boone, and Antelope.

District No. 6. The counties of Sioux, Dawes, Box Butte, Sheridan, Cherry, Keya Paha, Brown, Rock, Boyd, Holt, Wheeler, Garfield, Loup, Blaine, Thomas, Hooker, Grant, Garden, Morrill, Scotts Bluff, Banner, Kimball, Cheyenne, Deuel, Arthur, Keith, Perkins, McPherson, Lincoln, Logan, Custer, Valley, Greeley, Sherman, Howard, Chase, and Buffalo.

~~District No. 1. The counties of Lancaster, Saunders, and that part of Douglas County comprising legislative districts numbers 4 and 31 as defined by section 5-104.07.~~

~~District No. 2. The county of Douglas, except that part comprising legislative districts numbers 4, 5, 7, 12, and 31, as defined by section 5-104.07.~~

~~District No. 3. The counties of Washington, Butler, Dakota, Dixon, Cedar, Knox, Pierce, Wayne, Thurston, Antelope, Madison, Stanton, Cuming, Burt, Boone, Nance, Merrick, Platte, Colfax, and Dodge.~~

~~District No. 4. The counties of Gage, Pawnee, Richardson, Johnson, Nemaha, Otoe, Cass, Sarpy, and that part of Douglas County comprising legislative districts numbers 5, 7, and 12 as defined by section 5-104.07.~~

~~District No. 5. The counties of Hayes, Hitchcock, Frontier, Red Willow, Gosper, Furnas, Phelps, Harlan, Kearney, Franklin, Webster, Adams, Hall, Clay, Nuckolls, Hamilton, Polk, York, Fillmore, Thayer, Jefferson, Dawson, Saline, and Seward.~~

~~District No. 6. The counties of Sioux, Scotts Bluff, Banner, Kimball, Dawes, Box Butte, Morrill Cheyenne, Sheridan, Garden, Deuel, Cherry, Grant, Arthur, Keith, Hooker, McPherson, Lincoln, Thomas, Logan, Brown, Blaine, Rock, Loup, Custer, Buffalo, Sherman, Howard, Valley, Greeley, Garfield, Wheeler, Holt, Boyd, Perkins Chase, Dundy, and Keya Paha.~~

Sec. 2. That section 5-110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

5-110. The townships and cities mentioned in section 5-109 shall be the precincts and cities set out in the ~~1970~~ 1980 Census of Population by the United States Department of Commerce, Bureau of the Census. ~~The legislative districts mentioned in section 5-109 shall be those established by section 5-104.07.~~

Sec. 3. The Judge of the Supreme Court representing Supreme Court judicial district 3 on the effective date of this act shall represent the new

Supreme Court judicial district 3 as it is established by this act for the balance of his or her term.

The Judge of the Supreme Court representing Supreme Court judicial district 4 on the effective date of this act shall represent the new Supreme Court judicial district 4 as it is established by this act for the balance of his or her term.

Sec. 4. That original sections 5-109 and 5-110, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 553. Placed on General File as amended. Standing Committee amendments to LB 553:

Req. #2433

1. Strike the original section and insert new sections as follows:

"Section 1. That section 85-103.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-103.01. For the purpose of section 85-103, the state is divided into eight districts. The limits and designations of the eight districts shall be as follows:

District No. 1. Lancaster County.

District No. 2. In Douglas County, the following legislative districts: 4, 8, 10, 13, 31, that part of legislative district 3 lying in Douglas County, and in legislative district 20 beginning at the intersection of Interstate Highway 680 and Pacific Street, east on Pacific Street to 105th Street, south on 105th Street to Pinehurst Avenue, east on Pinehurst Avenue to 102nd Street, south on 102nd Street to West Center Road, west on West Center Road to Interstate Highway 680, north on Interstate Highway 680 to the point of beginning; and in legislative district 12 beginning at the intersection of 96th Street and the Douglas-Sarpy County line, west along the Douglas-Sarpy County line to 144th Street, north on 144th Street to L Street, east on L Street to Interstate Highway 80, south on Interstate Highway 80 to Q Street, east on Q Street to 104th Street, north on 104th Street to Mockingbird Drive, north along Mockingbird Drive to 102nd Street, north on 102 Street to L Street, east on L Street to 90th Street, south on 90th Street to O Street, west on O Street to 93rd Street, south on 93rd Street to Q Street, west on Q Street to 96th Street, south on 96th Street to the point of beginning.

District No. 3. The counties of Dixon, Dakota, Wayne, Thurston, Madison, Stanton, Cuming, Burt, Boone, Nance, Platte, Colfax, Dodge, and Washington.

District No. 4. The counties of Sarpy, Cass, Otoe, Saline, Jefferson, Gage, Johnson, Nemaha, Pawnee, and Richardson.

District No. 5. The counties of Merrick, Polk, Butler, Saunders, Hall, Hamilton, York, Seward, Adams, Clay, Fillmore, Webster, Nuckolls, and Thayer.

District No. 6. The counties of Sioux, Dawes, Box Butte, Sheridan, Cherry, Brown, Grant, Arthur, Hooker, McPherson, Thomas, Logan, Scotts Bluff, Banner, Morrill, Garden, Kimball, Cheyenne, Deuel, Keith, Perkins, Lincoln, Chase, Hayes, Frontier, Dundy, Hitchcock, and Red Willow.

District No. 7. The counties of Keya Paha, Rock, Holt, Boyd, Knox, Cedar, Antelope, Pierce, Blaine, Loup, Garfield, Wheeler, Custer, Valley, Greeley, Sherman, Howard, Dawson, Buffalo, Gosper, Furnas, Phelps, Harlan, Kearney, and Franklin.

District No. 8. In Douglas County, the legislative districts of 5, 6, 7, 9, 11, and in legislative districts 12 and 20, that part not included in Regent District 2.

~~(1) District No. 1. The counties of Lancaster and Saunders;~~

~~(2) District No. 2. That area in Douglas County corresponding with legislative districts 4, 8, 10, 13, and 14; the following portion of legislative district 12: Beginning at the intersection of the Douglas Sarpy County line and Interstate Highway 80, then northerly along Interstate Highway 80 to its junction with Interstate Highway 680 and continuing northerly along Interstate Highway 680 to Pacific Street; then east along Pacific Street to 90th Street; then south along 90th Street to West Center Road; then westerly along West Center Road to 96th Street; then south along 96th Street to Interstate Highway 80; then easterly along Interstate Highway 80 to 72nd Street; then south along 72nd Street to the Douglas-Sarpy County line; then west along the Douglas-Sarpy County line to Interstate Highway 80; and the following portion of legislative district 31: Beginning at the intersection of the Douglas-Sarpy County line and 144th Street, north along 144th Street to West Center Road; then east along West Center Road to 120th Street; then south along 120th Street to Prairie Lane Drive; then southeasterly along Prairie Lane Drive to Interstate Highway 680; then southerly along Interstate Highway 680 to its junction with Interstate Highway 80 and continuing southerly along Interstate Highway 80 to the Douglas-Sarpy County line; then west along the Douglas-Sarpy County line to 144th Street.~~

~~(3) District No. 3. The counties of Washington,~~

~~Burt, Thurston, Dakota, Dixon, Wayne, Madison, Stanton, Cuming, Colfax, Dodge, and Butler; in Seward County, precincts A, B, C, D, G, and H; and in Douglas County, that portion of legislative district 31 not included in District No. 2.~~

~~(4) District No. 4. The Counties of Sarpy, Cass, Otoe, Johnson, Nemaha, Pawnee, Richardson, Gage, Jefferson, and Saline; and in Seward County, precincts E, F, I, J, K, L, M, N, O, and P, and the city of Seward.~~

~~(5) District No. 5. The counties of Platte, Nance, Polk, Merrick, Hall, Hamilton, York, Adams, Clay, Franklin, Webster, Nuckolls, Fillmore, and Thayer.~~

~~(6) District No. 6. The counties of Sioux, Scotts Bluff, Banner, Kimball, Dawes, Box Butte, Morrill, Cheyenne, Sheridan, Garden, Deuel, Keith, Arthur, McPherson, Logan, Grant, Hooker, Thomas, Blaine, Loup, Garfield, Wheeler, Antelope, Pierce, Knox, Cedar, Cherry, Keya Paha, Boyd, Brown, Rock, and Holt.~~

~~(7) District No. 7. The counties of Perkins, Chase, Dundy, Lincoln, Hayes, Frontier, Hitchcock, Red Willow, Custer, Valley, Sherman, Greeley, Howard, Boone, Dawson, Buffalo, Gosper, Phelps, Kearney, Furnas, and Harlan.~~

~~(8) District No. 8. That area in Douglas County corresponding with legislative districts 5, 6, 7, 9, 11, and 20, and the following portion of legislative district 12: Beginning at the intersection of 90th Street and Pacific Street east along Pacific Street to Ridgewood Avenue; then southerly along Ridgewood Avenue to West Center Road; then west along West Center Road to 84th Street; then south along 84th Street to Interstate Highway 80; then west along Interstate Highway 80 to 96th Street; then north along 96th Street to West Center Road; then easterly along West Center Road to 90th Street; and then north along 90th Street to the point of beginning.~~

Sec. 2. That section 85-103.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-103.02. The precincts, townships, and cities mentioned in section 85-103.01 are the precincts, townships, and cities set out in the ~~1970~~ 1980 Census of Population by the United States Department of Commerce, Bureau of the Census. The legislative districts mentioned in section 85-103.01 are the districts established by ~~section 5-104.07~~ sections 2 to 50, Legislative Bill 406, Eighty-seventh Legislature, First Session, 1981.

Sec. 3. That original sections 85-103.01 and 85-103.02, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 554. Placed on General File as amended.

Standing Committee amendments to LB 554:

Req. #2434

1. Strike the original section and insert new sections as follows:

"Section 1. That section 79-322.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-322.01. For the purpose of section 79-322, the state is divided into eight districts. The limits and designations of the eight districts shall be as follows:

District No. 1. Lancaster County.

District No. 2. In Douglas County, the following legislative districts: 4, 8, 10, 13, 31, that part of legislative district 3 lying in Douglas County, and in legislative district 20 beginning at the intersection of Interstate Highway 680 and Pacific Street, east on Pacific Street to 105th Street, south on 105th Street to Pinehurst Avenue, east on Pinehurst Avenue to 102nd Street, south on 102nd Street to West Center Road, west on West Center Road to Interstate Highway 680, north on Interstate Highway 680 to the point of beginning; and in legislative district 12 beginning at the intersection of 96th Street and the Douglas-Sarpy County line, west along the Douglas-Sarpy County line to 144th Street, north on 144th Street to L Street, east on L Street to Interstate Highway 80, south on Interstate Highway 80 to Q Street, east on Q Street to 104th Street, north on 104th Street to Mockingbird Drive, north along Mockingbird Drive to 102nd Street, north on 102 Street to L Street, east on L Street to 90th Street, south on 90th Street to O Street, west on O Street to 93rd Street, south on 93rd Street to Q Street, west on Q Street to 96th Street, south on 96th Street to the point of beginning.

District No. 3. The counties of Dixon, Dakota, Wayne, Thurston, Madison, Stanton, Cuming, Burt, Boone, Nance, Platte, Colfax, Dodge, and Washington.

District No. 4. The counties of Sarpy, Cass, Otoe, Saline, Jefferson, Gage, Johnson, Nemaha, Pawnee, and Richardson.

District No. 5. The counties of Merrick, Polk, Butler, Saunders, Hall, Hamilton, York, Seward, Adams, Clay, Fillmore, Webster, Nuckolls, and Thayer.

District No. 6. The counties of Sioux, Dawes, Box Butte, Sheridan, Cherry, Brown, Grant, Arthur, Hooker, McPherson, Thomas, Logan, Scotts Bluff, Banner, Morrill, Garden, Kimball, Cheyenne, Deuel, Keith, Perkins, Lincoln, Chase, Hayes, Frontier, Dundy, Hitchcock, and Red Willow.

District No. 7. The counties of Keya Paha, Rock, Holt, Boyd, Knox, Cedar, Antelope, Pierce, Blaine, Loup, Garfield, Wheeler, Custer, Valley, Greeley, Sherman, Howard, Dawson, Buffalo, Gosper, Furnas, Phelps, Harlan, Kearney, and Franklin.

District No. 8. In Douglas County, the legislative districts of 5, 6, 7, 9, 11, and in legislative districts 12 and 20, that part not included in Board of Education District 2.

~~(1) District No. 1. The counties of Lancaster and Saunders;~~

~~(2) District No. 2. That area in Douglas County corresponding with legislative districts 4, 8, 10, 13, and 14; the following portion of legislative district 12: Beginning at the intersection of the Douglas Sarpy County line and Interstate Highway 80, then northerly along Interstate Highway 80 to its junction with Interstate Highway 680 and continuing northerly along Interstate Highway 680 to Pacific Street; then east along Pacific Street to 90th Street; then south along 90th Street to West Center Road; then westerly along West Center Road to 96th Street; then south along 96th Street to Interstate Highway 80; then easterly along Interstate Highway 80 to 72nd Street; then south along 72nd Street to the Douglas Sarpy County line; then west along the Douglas Sarpy County line to Interstate Highway 80; and the following portion of legislative district 31: Beginning at the intersection of the Douglas Sarpy County line and 144th Street, north along 144th Street to West Center Road; then east along West Center Road to 120th Street; then south along 120th Street to Prairie Lane Drive; then southeasterly along Prairie Lane Drive to Interstate Highway 680; then southerly along Interstate Highway 680 to its junction with Interstate Highway 80 and continuing southerly along Interstate Highway 80 to the Douglas Sarpy County line; then west along the Douglas Sarpy County line to 144th Street.~~

~~(3) District No. 3. The counties of Washington, Burt, Thurston, Dakota, Dixon, Wayne, Madison, Stanton, Cuming, Colfax, Dodge, and Butler; in Seward County, precincts A, B, C, D, G, and H; and in Douglas County, that portion of legislative district 31 not included in District No. 2.~~

~~(4) District No. 4. The counties of Sarpy, Cass, Otoe, Johnson, Nemaha, Pawnee, Richardson, Gage, Jefferson, and Saline; and in Seward County, precincts E, F, I, J, K, L, M, N, O, and P, and the city of Seward.~~

~~(5) District No. 5. The counties of Platte, Nance, Polk, Merrick, Hall, Hamilton, York, Adams, Clay,~~

~~Franklin, Webster, Nuckolls, Fillmore, and Thayer.~~

~~(6) District No. 6. The counties of Sioux, Scotts Bluff, Banner, Kimball, Dawes, Box Butte, Morrill, Cheyenne, Sheridan, Garden, Deuel, Keith, Arthur, McPherson, Logan, Grant, Hooker, Thomas, Blaine, Loup, Garfield, Wheeler, Antelope, Pierce, Knox, Cedar, Cherry, Keya Paha, Boyd, Brown, Rock, and Holt.~~

~~(7) District No. 7. The counties of Perkins, Chase, Dundy, Lincoln, Hayes, Frontier, Hitchcock, Red Willow, Custer, Valley, Sherman, Greeley, Howard, Boone, Dawson, Buffalo, Gosper, Phelps, Kearney, Furnas, and Harlan.~~

~~(8) District No. 8. That area in Douglas County corresponding with legislative districts 5, 6, 7, 9, 11, and 20, and the following portion of legislative district 12: Beginning at the intersection of 90th Street and Pacific Street east along Pacific Street to Ridgewood Avenue; then southerly along Ridgewood Avenue to West Center Road; then west along West Center Road to 84th Street; then south along 84th Street to Interstate Highway 80; then west along Interstate Highway 80 to 96th Street; then north along 96th Street to West Center Road; then easterly along West Center Road to 90th Street; and then north along 90th Street to the point of beginning.~~

Sec. 2. That section 79-322.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-322.02. The precincts, townships, and cities mentioned in section 79-322.01 are the precincts, townships, and cities set out in the ~~1970~~ 1980 Census of Population by the United States Department of Commerce, Bureau of the Census. The legislative districts mentioned in section 79-322.01 are the districts established by ~~section 5-104.07~~ sections 2 to 50, Legislative Bill 406, Eighty-seventh Leigislature, First Session, 1981.

Sec. 3. That original sections 79-322.01 and 79-322.02, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

(Signed) Elroy Hefner, Chairperson

SELECT FILE

LEGISLATIVE BILL 376. Mr. Barrett asked unanimous consent to withdraw his motion to indefinitely postpone found in the Journal on page 2159. No objections. So ordered.

Messrs. V. Johnson and Dworak offered the following amendment:
1. In the DeCamp Amendment found on page 1982 of the Journal, strike "(i)" in line 4, and strike from the comma on line 5 through the comma on line 6.
2. On page 3, line 2, strike "fifty" and insert "three hundred".
3. On page 9, line 1, strike "ten" and insert "eight"; on line 2 strike beginning with "and" ending with "state" on line 5; on line 7, strike ", savings and loan associations, and"; on line 8, strike "building and loan associations".
4. On page 9, line 12, strike "five" and insert "twenty-five".

Mr. Landis moved the previous question. The question is, "Shall the debate now close?"

Mr. Landis moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The motion to cease debate prevailed with 25 ayes, 12 nays, and 12 not voting.

Mr. Dworak requested a record vote on the V. Johnson-Dworak amendment.

Voting in the affirmative, 14:

Carsten
Clark
Dworak
Goll
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Lamb
Nichol
Remmers
Sieck

Voting in the negative, 31:

Barrett
Beutler
Beyer
Burrows
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Goodrich
Haberman
Hoagland
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Present and not voting, 2:

Chronister
Fowler

Excused and not voting, 2:

Chambers
Maresh

The V. Johnson-Dworak amendment lost with 14 ayes, 31 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Mr. Barrett moved for a Call of the House. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Mr. Barrett requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Beutler
Burrows
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hoagland
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Peterson, H.
Pirsch
Schmit
Stoney
Warner
Wesely
Wiitala

Voting in the negative, 22:

Barrett
Beyer
Carsten
Chronister
Clark
Dworak
Goll
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Lamb
Nichol
Peterson, R.
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner

Excused and not voting, 2:

Chambers
Maresh

Advanced to E & R for Engrossment with 25 ayes, 22 nays, and 2 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 111, 118, 129, 129A, 138, and 523.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 129A

The following changes, required to be reported for publication in the Journal, have been made:

In the Warner amendment, line 2, "and" has been stricken.

Enrollment and Review Changes to LB 523

The following changes, required to be reported for publication in the Journal, have been made:

1. Because of the Hefner amendment adopted 5/20, E & R amendment 1 has been stricken.

(Signed) Emory P. Burnett
E & R Attorney

VISITORS

Visitors to the Chamber were Geraldine and Robert Blank from Omaha; Messrs. Rakutin, Zayery Juhdkin, and Yereshanko from Ukrain; 18 seventh and eighth grade students and teacher from Our Redeemer Lutheran School, North Platte; members from the Employees Exchange Program from Ireland, Japan, Chicago, and Lincoln; Mr. and Mrs. John Peck from Tekamah; 9 students and teacher from Zion Lutheran School, Thayer; 35 third grade students (including Senator Maresh's grandson, Jamie Placek) and teachers from Milford; and Senator Lamb's son, daughter-in-law, and grandson, Mr. and Mrs. Dave Lamb and Jason from Anselmo.

ADJOURNMENT

Mr. Landis moved to adjourn. The motion prevailed with 25 ayes, 15 nays, and 9 not voting, and at 5:04 p.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Friday, May 22, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SIXTH DAY - MAY 22, 1981

LEGISLATIVE JOURNAL

EIGHTY-SIXTH DAY - MAY 22, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 22, 1981

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Everett D. Brailey, Pastor of St. John's Lutheran Church, Auburn, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Miss Kilgarin, Mrs. Marsh, Messrs. Chambers, Goodrich, Koch, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Fifth Day was approved.

REPORTS

Received maps from Department of Roads of the State Highway System pursuant to Section 39-1311, Reissue Revised Statutes of 1943.

Received reports from State Building Division of Contract Approval for Review of Preliminary Plans and Construction Contract for the Cedar Vue Campground, Lake McConaughy S.R.A. and for District II Office Addition at Omaha, Nebraska.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 466.

Correctly Engrossed

The following bill was correctly engrossed: 531.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 466

The following changes, required to be reported for publication in the Journal, have been made:

In the title, line 7, "to provide for notice and waiver thereof;" has been inserted after the first semicolon.

Enrollment and Review Changes to LB 531

The following changes, required to be reported for publication in the Journal, have been made:

1. It being unclear whether the DeCamp amendments adopted 3/25 were intended to replace or supplement the committee amendments, effect has been given to only the DeCamp amendments as being the later adopted; and
2. In the title, line 6 "as amended" has been stricken and "be reimbursed for expenses reasonably and necessarily increased" has been inserted.

(Signed) Emory Burnett
E & R Attorney

COMMUNICATION

Received a joint resolution from State of North Carolina to express the deepest concern of the General Assembly over the recent murders of black children in Atlanta, Georgia.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of May 21, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Noren and Burns:
Charles F. Noren - Lincoln, Nebraska Society of Professional Psychologists

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 316. With Emergency.

A BILL FOR AN ACT to amend section 79-488.05, Reissue Revised Statutes of Nebraska, 1943, and sections 79-328 and 79-490, Revised Statutes Supplement, 1980, relating to schools; to change provisions regarding motor vehicles; to change provisions relating to transportation allowances; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 40:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Landis
Maresh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wiitala

Voting in the negative, 2:

Stoney
Wesely

Excused and not voting, 7:

Chambers
Goodrich
Kilgarin
Koch
Marsh
Pirsch
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 322 to Select File

Mr. Beutler moved to return LB 322 to Select File for the following specific amendment:

line 1 strike the word "Shall" and insert the word "may".
line 2 after the "basis" insert "upon request".

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Beutler motion to return lost with 19 ayes, 24 nays, 1 present and not voting, and 5 excused and not voting.

Mr. Schmit moved to return LB 322 to Select File for the following specific amendment:

(FINAL READING COPY)

Req. #2462

1. Insert new sections as follows:

"Sec. 2. That section 2-2317, Reissue Revised Statutes of Nebraska, 1943, as amended by section 33, Legislative Bill 11, Eighty-seventh Legislature, First Session, 1981, be amended to read as follows:

2-2317. The State Treasurer is hereby directed to establish and set up in the treasury of the State of Nebraska a fund to be known as the Nebraska Wheat Development, Utilization, and Marketing Fund, to which fund shall be credited, for the uses and purposes of sections 2-2301 to 2-2319 and section 36 of this act and their enforcement, all taxes collected by the board pursuant to sections 2-2301 to 2-2319. After appropriation, the Director of Administrative Services shall, upon receipt of proper vouchers approved by ~~the director of the department and~~ an officer of the board, issue his or her warrants on such fund, and the State Treasurer shall pay the same out of the money credited to such fund. The board shall at each regular meeting review and approve all expenditures made since its last regular meeting. Any money in the Nebraska Wheat Development, Utilization, and Marketing Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 3. That original section 2-2317, Reissue Revised Statutes of Nebraska, 1943, as amended by section 33, Legislative Bill 11, Eighty-seventh Legislature, First Session, 1981, is repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.''.

2. Underscore original section 1.

3. In the title, line 2, after the semicolon insert ''to amend sections 2-2317, Reissue Revised Statutes of Nebraska, 1943, as amended by section 33, Legislative Bill 11, Eighty-seventh Legislature, First Session, 1981;''; in line 4 strike ''and'' and insert to change provisions relating to approval of certain vouchers;''; and in line 5 after ''procedures'' insert ''; to repeal the original section; and to declare an emergency''.

The Schmit motion to return prevailed with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 322. The Schmit specific amendment found in this day's Journal was adopted with 27 ayes, 2 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment with 27 ayes, 7 nays, 10 present and not voting, and 5 excused and not voting.

MOTION - Return LB 506 to Select File

Mr. Lamb moved to return LB 506 to Select File for the following specific amendment:

To remove the enacting clause.

Mr. Lamb asked unanimous consent to withdraw his motion to return LB 506. No objections. So ordered.

Mr. Cullan moved to return LB 506 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Cullan asked unanimous consent to withdraw his motion to return. No objections. So ordered.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 506A to Select File

Mr. Warner moved to return LB 506A to Select File for the following specific amendment:

(Final Reading Copy)

1. Insert the following new section:

"Sec. 2. There is hereby appropriated three hundred thousand dollars from the General Fund for the period July 1, 1981, to June 30, 1982, to the University of Nebraska Medical Center, for research of smoking diseases other than cancer, to aid in carrying out the provisions of Legislative Bill 506, Eighty-seventh Legislature, First Session, 1981.".

2. On page 2, line 3, strike "Epply" and insert "Eppley"; in line 17 strike "one"; and in line 18 strike "million two" and insert "nine".

3. Renumber remaining sections accordingly.

Mr. Koch requested a record vote on the motion to return.

Voting in the affirmative, 11:

Carsten
Clark
Fitzgerald
Goodrich
Haberman
Lamb
Marsh
Marvel
Rumery
Sieck
Warner

Voting in the negative, 32:

Barrett
Beutler
Beyer
Chronister
Cope
Cullan
Dworak
Fowler
Goll
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Maresh
Newell
Peterson, H.
Peterson, R.
Remmers
Schmit
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Present and not voting, 3:

Burrows
Fenger
Nichol

Excused and not voting, 3:

Chambers
DeCamp
Pirsch

The Warner motion to return lost with 11 ayes, 32 nays, 3 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 506.

A BILL FOR AN ACT relating to the Department of Health; to provide for a program of smoking disease and cancer research as prescribed; to provide for appropriations and the use thereof; to increase the cigarette tax; to amend section 77-2616, Reissue Revised Statutes of Nebraska, 1943, and section 77-2602, Revised Statutes Supplement, 1980; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Barrett
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wiitala

Voting in the negative, 6:

Beutler
Clark
Goodrich
Lamb
Landis
Wesely

Present and not voting, 1:

Warner

Excused and not voting, 3:

Chambers
DeCamp
Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 506A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 506, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Barrett
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 5:

Beutler
Clark
Goodrich
Lamb
Landis

Present and not voting, 1:

Warner

Excused and not voting, 3:

Chambers
DeCamp
Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules to Withdraw LB 472A

Mr. Hoagland moved to suspend the rules, Rule 5, Section 12, and withdraw LB 472A today.

The motion prevailed with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 472.

A BILL FOR AN ACT relating to liability; to authorize the purchase of liability insurance for certain persons; to amend section 79-329.01, Revised Statutes Supplement, 1980; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 1:

Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 389A to Select File

Mr. Wesely moved to return LB 389A to Select File for the following specific amendment:

On page 2, in line 2, strike "twenty-seven thousand three hundred fifty nine" and insert "fifteen thousand four hundred sixteen"; strike beginning with "twenty" in line 9 through "fifty-seven" in line 10 and insert "eleven thousand nine hundred forty-one".

Strike Section 2.

The motion prevailed with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 389A. The Wesely specific amendment found in this day's Journal was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

EXPLANATION OF VOTE

If I had been present, I would have voted yes on LB 316E.

(Signed) Shirley Marsh

MR. NICHOL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 406. Title read. Considered.

Standing Committee amendments, Req. #2452, printed separate from the Journal and referred to on page 2163 for the Eighty-Fourth Day were considered.

Mr. Hefner renewed his pending amendment to the Standing Committee amendments found in the Journal on page 2193.

The Hefner amendment (1) was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Hefner offered the following amendment to the Standing Committee amendments:

(2)

On page 4, line 27, strike "39th" each time it appears and insert "38th".

The Hefner amendment (2) was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Hefner offered the following amendment to the Standing Committee amendments:

(3)

1. Strike sections 35, 37, 38, and 42 and insert the following new sections:

"Sec. 35. District No. 34 shall consist of the counties of Merrick, Hamilton, and Clay, and in

Polk County that area not lying in legislative district 24.

Sec. 37. District No. 36 shall consist of Buffalo County, except that area lying in legislative district 37, and in Hall County the precincts of Jackson, Martin, Wood River, Alda, Washington, and Center 2.

Sec. 38. District No. 37 shall consist of the following territory in Buffalo County: the precinct of Collins, and in the city of Kearney, Ward 1 and Ward 2; and the counties of Kearney, Franklin, Webster, and Nuckolls.

Sec. 42. District No. 41 shall consist of the counties of Loup, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard; and in Hall County the precincts of South Loup, Mayfield, Prairie Creek, Lake, Cameron, Harrison, and Center 1; and in Custer County that area not lying in Legislative District No. 43.".

The Hefner amendment (3) was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

MR. NICHOL PRESIDING

LEGISLATIVE BILL 551. Title read. Considered.

Standing Committee amendments, Req. #2459, found in the Journal on page 2195 for the Eighty-Fifth Day were adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 552. Title read. Considered.

Standing Committee amendments, Req. #2419, found in the Journal on page 2197 for the Eighty-Fifth Day were adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 553. Title read. Considered.

Standing Committtee amendments, Req. #2433, found in the Journal on page 2199 for the Eighty-Fifth Day were adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 554. Title read. Considered.

Standing Committee amendments, Req. #2434, found in the Journal on page 2202 for the Eighty-Fifth Day were adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 531 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1. On page 2, line 1, strike "general" and insert "primary"; in line 2 strike "November" and insert "May"; strike beginning with "Each" in line 21 through the comma in line 24, show the old matter as stricken and insert "Members of the Legislature shall receive no compensation for services rendered, except that".

2. On page 3, line 4, strike "salary and" and show as stricken; and in line 14 after "shall" insert "receive no compensation, but shall".

3. In the title, line 5, after "shall" insert "receive no compensation, but shall".

SELECT FILE

LEGISLATIVE BILL 412. Mr. Fowler asked unanimous consent to withdraw his motion to indefinitely postpone found in the Journal on page 2159. No objections. So ordered.

Mr. Newell offered the following amendment:
Strike 3 yrs and reinsert 5 yrs throughout the bill.

Mr. Newell moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Beutler
Burrows
Chambers
Cullan
DeCamp
Dworak
Fitzgerald
Fowler
Goll
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Newell
Remmers
Sieck
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 21:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Fenger
Hefner
Johnson, L.
Kremer
Lamb
Maresh
Marsh
Marvel
Peterson, H.
Peterson, R.
Rumery
Schmit
Von Minden
Wagner
Warner

Present and not voting, 2:

Goodrich
Kahle

Excused and not voting, 2:

Nichol
Pirsch

The Newell amendment lost with 24 ayes, 21 nays, 2 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 31 ayes, 3 nays, 13 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 243. E & R amendment found in the Journal on page 2149 for the Eighty-Fourth Day was adopted.

Mr. Schmit offered the following amendment:

1. On page 3, line 3, after "used" insert ", prior to July 1, 1984,".

2. Insert the following new section:

"Sec. 5. Sections 2 to 4 of this act shall terminate on July 1, 1984.".

3. In the Schmit amendments, Req. 2418, page 1, line 19, strike "5, and 6" and insert "6, and 7".

4. In the title, line 5 after the semicolon insert "to provide for termination of certain provisions;".

The amendment was adopted with 25 ayes, 9 nays, 13 present and not voting, and 2 excused and not voting.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman offered the following amendment:

1. On page 3, line 11, strike "The" and insert "Except as provided in section 3 of this act, the".

2. Insert the following new sections:

"Sec. 3. The restriction on the use of eminent domain provided in subsection (2) of section 2-3234 shall not apply to any purpose or project for which construction bids were let prior to the effective date of this act.

Sec. 4. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

3. Renumber original sections 3 and 4 as sections 5 and 6, respectively.

Messrs. Wesely and Maresh asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Haberman moved for a Call of the House. The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Haberman requested a roll call vote on his motion.

Voting in the affirmative, 22:

Barrett
Carsten
Clark
Cope
Dworak
Goodrich
Haberman
Hoagland
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Landis
Marsh
Newell
Peterson, H.
Rumery
Sieck
Vickers
Wagner
Wiitala

Voting in the negative, 16:

Burrows
Chambers
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Hefner
Higgins
Johnson, L.
Lamb
Marvel
Peterson, R.
Remmers
Schmit
Stoney

Present and not voting, 7:

Beutler
Beyer
Chronister
Goll
Koch
Nichol
Von Minden

Excused and not voting, 4:

Maresh
Pirsch
Warner
Wesely

The Haberman amendment lost with 22 ayes, 16 nays, 7 present and not voting, and 4 excused and not voting.

Laid over.

The Chair declared the Call raised.

VISITORS

Visitors to the Chamber were James Delehant; 18 eighth and ninth grade students, teachers, and sponsors from Orchard; 120 eighth grade students and teachers from Marrs School, Omaha; 5 eighth grade students, teachers, and sponsors from St. Joseph's School, Omaha; former Senator Neil Simon from Omaha; and 19 sixth grade students, teacher, and sponsors from Sandhills Public School, Dunning.

RECESS

At 12:13 p.m., on a motion by Mr. Rumery, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. Cullan, Lamb, and Warner who were excused until they arrive.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 316, 506, 506A, and 472.

SELECT FILE

LEGISLATIVE BILL 243. Mr. Haberman offered the following amendment:

1. On page 3, line 11, strike "The" and insert "Except as provided in section 3 of this act, the".

2. Insert the following new sections:

"Sec. 3. The restriction on the use of eminent domain provided in subsection (2) of section 2-3234 shall not apply to any purpose or project (1) for which construction bids were let prior to the effective date of this act, and (2) which is to be funded in whole or in part from contributions by private individuals or organizations.

Sec. 4. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

3. Renumber original sections 3 and 4 as sections 5 and 6, respectively.

Mr. Schmit requested a ruling of the Chair on whether the amendment is a reconsideration.

The Chair ruled the amendment is not a reconsideration.

Mr. Haberman asked unanimous consent to withdraw his amendment. No objections. So ordered.

Messrs. Kahle, Maresh, and Sieck asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit moved for a Call of the House. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Schmit requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Beutler
Beyer
Burrows
Chambers
Chronister
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Higgins
Johnson, L.
Kahle
Lamb
Maresh
Marvel
Peterson, R.
Remmers
Schmit
Stoney
Von Minden
Wesely

Voting in the negative, 20:

Barrett
Carsten
Clark
Cope
Dworak
Haberman
Hefner
Hoagland
Johnson, V.
Kilgarin
Kremer
Landis
Marsh
Newell
Nichol
Peterson, H.
Sieck
Vickers
Wagner
Wiitala

Present and not voting, 4:

Koch
Labedz
Rumery
Warner

Excused and not voting, 2:

Cullan
Pirsch

Failed to advance to E & R for Engrossment with 23 ayes, 20 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

MOTION - Reconsider Action on LB 394

Mr. Maresh moved to reconsider the body's action in failing to pass LB 394 on final reading.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 22, 1981, at 2:10 p.m., were the following bills: 316, 506, 506A, and 472.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 234.

Correctly Engrossed

The following bills were correctly engrossed: 213 and 318.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 213

The following changes, required to be reported for publication in the Journal, have been made:

(1) In Req. 2335, page 1, line 13, an underscored comma has been inserted after "judgments"; and in lines 10 and 15, "5" has been stricken and "6" inserted;

(2) In request 2438, page 6, line 15, "5" has been stricken and "6" inserted;

(3) In the Pirsch, et al amendments, page 6, line 13, the comma has been stricken;

(4) In the title, line 4, "to change certain notice provisions as prescribed;" has been inserted after the semicolon.

Enrollment and Review Changes to LB 234

The following changes, required to be reported for publication in the Journal, have been made:

The changes found on page 1975 of the Journal has been stricken.

Enrollment and Review Changes to LB 318

The following changes, required to be reported for publication in the Journal, have been made:

1. In the title, as amended, line 4, "section 79-1333" has been stricken and "sections 79-1333 and 79-1334" inserted; and the stricken matter in lines 15 to 17 has been reinstated.

(Signed) Emory P. Burnett
E & R Attorney

MESSAGES FROM THE GOVERNOR

May 22, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 181, 252, 303, 381, 441, 451, 470, 485, 497, and 543, as well as Reengrossed Legislative Bills 179, 346, and 384 were received in my office this week.

These bills were signed by me on May 22, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 22, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Reengrossed Legislative Bills 273 and 273A were received in my office this week.

These bills were signed by me on May 21, 1981 and delivered to the Secretary of State today.

Sincerely
(Signed) CHARLES THONE
Governor

CT:mh

May 22, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 501 and 545 were received in my office this week.

These bills were signed by me on May 22, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

RESOLUTION

LEGISLATIVE RESOLUTION 188.

Introduced by Wagner, 41st District.

WHEREAS, Ord, Nebraska, located in Valley County, was incorporated on June 23, 1881 and will mark its one hundred years of existence as first a village and later a city of the second class on June 23, 1981; and

WHEREAS, the city was named after General E.O.C. Ord, a decorated Civil War veteran who established the site of Fort Hartsuff while commanding the Department of the Platte of the United States Army; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect on the contributions of those citizens whose efforts were responsible for its accomplishments; and

WHEREAS, many citizens have contributed to the growth and stability or Ord in the past one hundred years; and

WHEREAS, Ord's centennial year will be a time for its citizens to look with pride at their heritage.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature acknowledges the contributions and efforts of those residents, both past and present, who labored and aspired to make Ord a successful city.

2. That the Legislature extends its best wishes to the current citizens of Ord who will carry on the positive traditions and heritage of the community, and who are currently pausing from their busy lives to commemorate this special occasion.

3. That the Legislature extends its congratulations to the city of Ord during its centennial celebration.

Laid over.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 106

May 21, 1981

Dear Senator Barrett:

In your letter of May 20, 1981, you ask our opinion as to the constitutional validity of Section 2 of LB 376, as amended. You also call our attention to the fact that there are only six legislative days left in this session, and urged our immediate response. We will do our best, but we call your attention to the fact that this is a quite complex and confusing bill, and that we have not had the time to give this matter the attention it deserves.

Section 2 of the bill amends Neb.Rev.Stat. §8-903 (Reissue 1977). This is a part of the Bank Holding Company Act of 1963, §§8-901 to 8-904. Section 8-902(3) defines a bank holding company in general terms as any company which owns or controls two or more banks. Section 8-903, as it now reads, makes unlawful any action taken after March 12, 1963, which results in a company's becoming a bank holding company, as defined by the act, and also makes it unlawful for a bank holding company operating in this state to acquire ownership or control of 25 per cent or more of the voting shares of any bank operating in this state.

Section 8-903 therefore gave grandfather rights to bank holding companies operating before March 12, 1963, but forbade them to acquire any additional banks after the effective date of the act. We are informed by the Department of Banking and Finance that there is only one bank holding company, as defined in §8-902, in this state, and that it is an out-of-state bank holding company, owning or controlling five banks in this state. There are, however, a large number of one bank holding companies, as defined in §8-1202, all of them Nebraska corporations.

We find some of the language of Section 2 of the bill confusing. It still provides that it shall be unlawful for any action to be taken after March 12, 1963, which results in a company's becoming a bank holding company, as defined in §8-902. This, of course, requires it to own or control two or more banks. Section 2 then goes on to provide that "a bank holding company or a company which owns only one bank which is not a bank holding company as defined in §8-902" shall have the right to acquire more banks, thereby becoming a bank holding company, as defined in §8-902. Exactly what companies are intended to be covered by that provision is not clear. There are no "bank holding companies," as defined in §8-902, except the out-of-state bank holding company, which is specifically covered under another subdivision of Section 2. One bank holding companies as defined in §8-1202 are also covered under another subdivision. We are not sure what was intended to be covered by subsection (1), quoted above. We think there has been some blurring of the distinction between bank holding companies, as defined by §8-902, and one bank holding companies as defined in §8-1202. Furthermore, the prohibition against formation of bank holding companies, as defined in §8-902, becomes meaningless, as the bill clearly provides for formation of new ones.

Your specific question is the propriety of the specific provisions made for existing out-of-state bank holding companies, as defined in 12 U.S.C. §1842 (d), and which on December 31, 1978, owned at least two banks in this state. You suggest that this would create a permanently closed class, presumably because it would prevent other out-of-state companies from ever coming into this state as bank holding companies.

Despite the prohibition against close classes, the courts have frequently upheld statutes creating grandfather rights for those already engaged in a business. Section 8-902, as it now reads, creates grandfather rights in bank holding companies in existence on March 12, 1963.

In the case of Iowa Independent Bankers v. Board of Governors of the Federal Reserve System, 511 F.2d 1288 (D.C. Cir. 1975), the court dealt with the very question you have raised. An Iowa statute forbade an out-of-state bank holding company to acquire any interest in an Iowa bank, unless the company on January 1, 1971, was registered with the Federal Reserve Board as a bank holding company, and on that date owned at least two banks in Iowa. The court rejected equal protection and unreasonable classification attacks on the statute, and said:

> We think it is perfectly rational for the Iowa legislature to determine that Northwest, the only out-of-state bank holding company that has a pre-existing stake in the Iowa banking system and has proven itself to be a positive force in the system, should be allowed to compete on the same basis as other Iowa

> banks, but also to decide that the state would not be well served if out-of-state bank holding companies were allowed wholesale entry into the Iowa market.

The court held the statute did not violate the equal protection clause of the Fourteenth Amendment, nor the prohibitions of the Iowa Constitution against special legislation and the granting of exclusive privileges and immunities. The Iowa constitutional provisions are comparable to those found in Article I, Section 16, and Article III, Section 18 of our constitution.

On its face, the bill might appear to discriminate unreasonably in favor of existing out-of-state bank holding companies and against domestic bank holding companies, since existing out-of-state companies can own or control five banks until January 1, 1983, and can acquire one more per year up to a maximum of nine on December 31, 1986, whereas other bank holding companies can own only three prior to January 1, 1983, and cannot own nine until 1988. If there were now any existing domestic bank holding companies, as defined in §8-902, they might argue that they were unreasonably discriminated against. However, since there is none, we believe the Legislature can take cognizance of that fact in drafting legislation. In Iowa Independent Bankers, supra, the court said the legislature could take the actual facts into consideration, and said: "We do not think that the Iowa legislature, dealing as it must with the realities of the Iowa banking structure, must draw its statutes to encompass hypothetical situations that could never bear the fruits of reality."

The bill therefore makes one class of the bank holding company now in the state, and another class of those who will come into existence under LB 376. The one in existence can continue to hold its five banks. The others can acquire up to three before January 1, 1983. After that both classes can acquire one new bank per year, up to a maximum of nine. Since the one now in existence has a head start, it can acquire its nine two years earlier than the others. Under the facts, we believe no unreasonable classification is involved.

We are somewhat confused as to the significance of the date December 31, 1978, as of which date the out-of-state bank holding company was required to own at least two banks in this state. Since the existing bank holding company has held five banks since 1963, it would appear to have been more reasonable to have said "on the effective date of this act," instead of December 31, 1978. We do not, however, feel that this has any particular constitutional significance.

We are therefore of the opinion that, while the statute, as it would be amended by LB 376, is somewhat confusing, it can be defended against constitutional attack.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jmf
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 107
May 22, 1981

Dear Senator Hefner:

In your letter of May 21, 1981, you call to our attention Legislative Bill 552 and inform us that that bill would establish new Supreme Court Districts. You further inform us that under the present factual makeup of our Supreme Court this proposal would place two sitting judges in the same Judicial District in two instances and would create two Districts in which no current judge resides.

You call our attention to Article V, section 5 of the Constitution of the State of Nebraska which states as is applicable to your inquiry:

> Whenever the Supreme Court is redistricted, the judges serving prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established districts which they shall represent for the balance of their terms.

As required by this constitutional language this legislative bill specifies which district each sitting judge shall represent "for the balance of his or her term." Given the language of Article V, section 21 of the Constitution of the State of Nebraska which requires each such judge to periodically subject his right to remain in office to the approval of the electorate, you ask if a judge's "term" expires at the time of the submission of this question to the voters.

You further inform us of your opinion as to the Legislature's intent which you suggest is to permit the sitting Justices of the Nebraska Supreme Court to remain in office for such period of time as they should desire or so long as they are retained by the electorate.

If, therefore, in our opinion, a judge's term expires at the time the question of their retention is submitted to the electorate, you inform us you are desirous of amending this legislation to make the Legislature's intent clear. We are aware of no instance wherein the Nebraska Supreme Court has directly considered this question. However they did consider many aspects of this quesion in the case of Garrotto v. McManus, 185 Neb. 644, 177 N.W.2d 570 (1970). In this case the court had occasion to determine when the term of office of a judge began. However they were not called upon to directly determine the effect of the periodic submission of the office to a vote of retention. The court there did observe however:

> The provisions of Article V, section 21, of the Constitution, apply specifically to judges selected and appointed under the merit plan of judicial selection. Under those provisions, judges are no longer elected to office. They are appointed. Periodic elections are specified at which the electorate may express its approval or rejection of a judge appointed under the merit plan. Such an election is only for the purpose of determining a judge's right to remain or continue in the judicial office to which he was initially appointed.

It would appear from a plain reading of Article V, section 5 of the Nebraska Constitution that it was the intent of its drafters that no judge should be deprived of his office as the result of redistricting. We reached such a conclusion in Opinion No. 139, dated October 9, 1963, found in Report of the Attorney General 1963-1964, p. 236. We have also been of the opinion that a judge has a right to tenure beyond the initial term of his appointment subject only to the results of the periodic votes on the question of retention. Opinion No. 165, dated August 12, 1968, found in the Report of the Attorney General 1967-1968, p. 252.

The difficulty with simply concluding that a judge's term once he has been appointed is indefinite save the possiblity of the failure to be retained by the electorate is that under Article III, section 19 of the Constitution of the State of Nebraska the salaries of such officials cannot be increased or diminished during their term of office with the exception that when any one of the members of such a body as a court begins a new term of office the salaries of the other members of such bodies such as the court can be increased. In this regard we have been of the opinion at least with respect to district judges that their term begins for purposes of Article III, section 19 at the time of their successful accomplishment of a vote of retention. Opinion No. 128, dated November 4, 1965, found in the Report of the Attorney General 1965-1966, p. 201.

It is therefore difficult to speculate with any degree of certainty the position the Nebraska Supreme Court might take if presented the question either in the context of Article V, section 5 or in the context of Article III, section 19 as to the exact duration of their "term" of office. We do believe however this question could be resolved by the clarification within the present legislation of the Legislature's intent that sitting judges be permitted to continue in office for as long a period as they desire or so long as they are retained. Toward this end we would suggest that you simply add after the present language "for the balance of his or her term" the language "or so long as he or she shall be retained in office."

In conclusion therefore we would be of the general opinion that the intent of Article V, section 5 of the Nebraska Constitution is to permit sitting judges to remain in office so long as they are retained and that the legislation as it is currently drafted raises unnecessary questions which could be resolved by the inclusion of explanatory language such as is suggested above.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 406. Placed on Select File as amended.
E & R amendments to LB 406:
(All references are to committee amendments)

1. On page 1, insert a comma after "precincts" in lines 9 and 10; in line 13 insert "and" after the third comma; in line 17 strike
"the" and insert ": The"; in line 22 strike ", that" and insert ": That";
and in line 24 strike the first comma.
2. On page 3, line 25, strike "river" and insert "Missouri River".
3. On page 6, line 7, insert "the" after "along".
4. On page 7, line 27, strike the second "and" and insert a comma at the end of the line.
5. On page 8, line 13, strike the second "and"; and in line 14 insert a comma after "Point".
6. In the first set of amendments to committee amendments, line 21, insert "the first" after "strike".
7. On page 17, line 9, insert "and" after the third comma; and strike ", and Garden".

LEGISLATIVE BILL 551. Placed on Select File as amended.
E & R amendment to LB 551:

1. In the title, line 2, strike "repeal" and
insert "amend"; in lines 4 and 5 strike "to remove

provisions establishing" and insert "to reapportion the state for"; and in line 6 insert "; and to repeal the original sections".

LEGISLATIVE BILL 552. Placed on Select File as amended.
E & R amendments to LB 552:

1. On page 1, line 13, strike the comma and insert "and"; and in line 19 strike the second comma and insert "and".
2. In the title, line 2, strike "repeal" and insert "amend"; and in lines 4 and 5 strike "remove provisions establishing" and insert "reapportion the state for"; and in line 5, insert "; and to repeal the original sections" after "districts".

LEGISLATIVE BILL 553. Placed on Select File as amended.
E & R amendments to LB 553:

1. On page 1, line 13, insert "and" after the fourth comma; and in line 15, strike "and".
2. On page 3, line 4, insert "and" after the fourth comma.
3. In the title, line 2, strike "repeal" and insert "amend"; in line 3, strike "85-103," and the second comma; in lines 4 and 5, strike "remove provisions establishing" and insert "reapportion the state for"; and in line 6, insert "; and to repeal the original sections" after "districts".
4. On page 2, line 4, strike "102" and insert "102nd".

LEGISLATIVE BILL 554. Placed on Select File as amended.
E & R amendments to LB 554:

1. On page 1, line 13, insert "and" after the fourth comma; and in line 5 strike "and".
2. On page 3, line 4, insert "and" after the fourth comma.
3. In the title, line 2, strike "repeal" and insert "amend"; in line 3 strike "79-322," and the second comma; in lines 4 and 5 strike "remove provisions establishing" and insert "reapportion the state for"; and in line 6 insert "; and to repeal the original sections" after "districts".
4. On page 2, line 4, strike "102" and insert "102nd".

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 322 and 389A.

Correctly Engrossed

The following bills were correctly engrossed: 376, 412, and 512.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 376

The following changes, required to be reported for publication in the Journal, have been made:
(1) On page 5, line 3, ''teller'' has been stricken and shown stricken.

Enrollment and Review Changes to LB 412

The following changes, required to be reported for publication in the Journal, have been made:
(1) On page 4, line 5, as amended ''3'' has been stricken and ''~~five~~ three'' inserted.
(2) In the title, line 7, ''and to change the period for which such interest applies'' has been inserted after ''tax''.

Enrollment and Review Changes to LB 512

The following changes, required to be reported for publication in the Journal, have been made:
(1) On page 17, line 12, ''(i)'' has been stricken and ''(a)'' inserted; and in line 14, ''(ii)'' has been stricken and ''(b)'' inserted;
(2) On page 30, line 3, ''Limitation'' has been stricken and ''The limitation'' inserted.

(Signed) Emory P. Burnett
E & R Atorney

MR. CLARK PRESIDING

SELECT FILE

LEGISLATIVE BILL 184. Considered.

Mr. Burrows moved for a Call of the House. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Burrows requested a roll call vote to advance the bill.

Voting in the affirmative, 22:

Beutler
Burrows
Chambers
DeCamp
Fitzgerald
Fowler
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Labedz
Landis
Maresh
Newell
Schmit
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 24:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Dworak
Fenger
Goll
Goodrich
Johnson, L.
Koch
Lamb
Marsh
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Stoney
Von Minden
Wagner
Warner

Present and not voting, 2:

Kremer
Marvel

Excused and not voting, 1:

Pirsch

Failed to advance to E & R for Engrossment with 22 ayes, 24 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

MOTION - Reconsider Action on LB 472A

Messrs. Koch and DeCamp moved to reconsider the motion to withdraw LB 472A.

Mr. Beutler requested a ruling of the Chair on whether this motion is properly before us because it is not on the agenda.

Messrs. Nichol and Sieck asked unanimous consent to be excused until they return. No objections. So ordered.

The Chair ruled the motion is properly before us.

The Koch-DeCamp motion to reconsider prevailed with 27 ayes, 10 nays, 9 present and not voting, and 3 excused and not voting.

MOTION - Suspend Rules

Messrs. Koch and DeCamp moved to suspend all Rules to allow for consideration of Req. #2463.

MR. CLARK PRESIDING

Mr. Cope asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Chambers moved to adjourn until Tuesday morning, May 26, 1981, 9:30 a.m. The motion lost with 5 ayes, 24 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Messrs. Koch and DeCamp substituted their motion with the following:
Suspend the rules, R. 7 §3D, R. 7 §7, R. 5 7(H), (G), & 5 2B.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

Mr. DeCamp requested a roll call vote on the motion to suspend the rules.

Voting in the affirmative, 31:

Beyer
Burrows
Carsten
Chronister
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goodrich
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Maresh
Peterson, H.
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 13:

Barrett
Beutler
Chambers
Clark
Goll
Haberman
Hoagland
Landis
Marsh
Marvel
Newell
Nichol
Wesely

Present and not voting, 3:

Peterson, R. Remmers Vickers

Excused and not voting, 2:

Cope Pirsch

The motion to suspend the rules prevailed with 31 ayes, 13 nays, 3 present and not voting, and 2 excused and not voting.

SPEAKER MARVEL PRESIDING

MOTION - Return LB 472A to Select File

Messrs. DeCamp and Koch moved to return LB 472A to Select File for the following DeCamp, Koch, Kremer, Dworak, H. Peterson, Warner, Wiitala, Stoney, and Sieck specific amendment:

Req. #2463

1. Strike the original section and insert the following new sections:

"Section 1. That section 79-1233, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1233. (1) No person shall be employed to teach in any public, private, denominational, or parochial school in this state who does not hold a valid Nebraska certificate or permit issued by the Commissioner of Education legalizing him or her to teach the grade or subjects to which elected, except that no Nebraska certificate or permit shall be required of persons teaching exclusively (a) at a private, denominational, or parochial school which has had the provisions of sections 79-1701 to 79-1707 waived as provided by section 2 of this act or (b) in junior colleges organized as part of the public school system.

(2) Public, private, denominational, or parochial schools in the state may employ persons who do not hold a valid Nebraska teaching certificate or permit issued by the Commissioner of Education to serve as aides to a teacher or teachers. Such teacher aides may not assume any teaching responsibilities. A teacher aide may be assigned duties which are nonteaching in nature, if the employing school has assured itself that the aide has been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of his or her work.

Sec. 2. The provisions of sections 79-1701 to 79-1707 shall be waived and not applied to any private, denominational, or parochial school whose director, organization of parents, or such director and organization files with the State Department of Education a notarized affidavit stating that their conviction or religious beliefs are violated by the imposition of such provisions. The State Department of Education shall notify the county superintendent of schools if an affidavit has been filed for any school within his or her county. A school for which the affidavit provided in this section has been filed shall, through its director or organization of parents, report annually to the county superintendent of schools the names of the students who are attending such school, the names of their parents of guardians, and the public school district in which they reside. Each parent or guardian of a student attending such a school shall file a notarized affidavit with the county superintendent of schools acknowledging their child's attendance at a school which is exempt from the provisions and supervision of certain state laws, rules, and regulations. A copy of the reports and notarized affidavits provided to the county superintendent shall be forwarded to the State Deaprtment of Education. In asserting inclusion in the exemption provided under this section, the parent or guardian may be required to demonstrate to the State Department of Education:

(1) That the child is receiving regular instruction;

(2) That the instruction is from a structured curriculum or course of study; and

(3) That the child is appropriately proficient in basic disciplines of learning.

Sec. 3. That section 79-1701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1701. ~~All~~ Except as provided in section 2 of this act, all private, denominational, and parochial schools in the State of Nebraska, and all teachers employed or giving instruction therein, shall be subject to and governed by the provisions of the general school laws of the state so far as the same apply to grades, qualifications, and certification of teachers and promotion of pupils. ~~All~~ Except as provided in section 2 of this act, all private, denominational, and parochial schools shall have adequate equipment and supplies, and shall be graded the same and shall have courses of study for each grade conducted therein, substantially the same as those given in the public schools where the children attending would attend in the absence of such private, denominational, or parochial schools.

Sec. 4. Section 2 of this act shall terminate on June 30, 1982, unless reenacted or reestablished by the Legislature.

Sec. 5. That original sections 79-1233 and 79-1701, Reissue Revised Statutes of Nebraska, 1943, are repealed.''.

2. In the title strike lines 2 through 5 and insert:

''FOR AN ACT to amend secions 79-1233 and 79-1701, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide an exemption from certain requirements; to provide duties; to provide for termination; and to repeal the original sections.''.

Mrs. Marsh asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Koch moved the previous question. The question is, ''Shall the debate now close?'' The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

The DeCamp-Koch motion to return prevailed with 25 ayes, 13 nays, 8 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 472A. The DeCamp-Koch et al specific amendment found in this day's Journal was considered.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Kahle and Schmit asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Koch moved the previous question. The question is, ''Shall the debate now close?''

Mr. Koch moved for a Call of the House. The motion prevailed with 17 ayes, 5 nays, and 27 not voting.

The motion to cease debate prevailed with 26 ayes, 9 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Koch requested a record vote on the amendment.

Voting in the affirmative, 27:

Beyer
Burrows
Carsten
Chronister
Clark
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Goodrich
Higgins
Johnson, L.
Kilgarin
Koch
Kremer
Labedz
Lamb
Maresh
Peterson, H.
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 15:

Barrett
Beutler
Chambers
Fowler
Goll
Haberman
Hoagland
Johnson, V.
Landis
Marvel
Newell
Nichol
Peterson, R.
Vickers
Wesely

Present and not voting, 2:

Hefner
Remmers

Excused and not voting, 5:

Cope
Kahle
Marsh
Pirsch
Schmit

The DeCamp-Koch et al amendment was adopted with 27 ayes, 15 nays, 2 present and not voting, and 5 excused and not voting.

MR. WESELY PRESIDING

Mr. Fitzgerald asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

SPEAKER MARVEL PRESIDING

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. Landis requested a record vote to advance the bill.

Voting in the affirmative, 26:

Beyer
Burrows
Carsten
Chronister
Clark
Cullan
DeCamp
Dworak
Fenger
Hefner
Higgins
Johnson, L.
Kilgarin
Koch
Kremer
Labedz
Lamb
Maresh
Peterson, H.
Rumery

Sieck
Stoney
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 15:

Barrett
Beutler
Chambers
Fowler
Goll
Haberman
Hoagland
Johnson, V.
Landis
Marvel
Newell
Nichol
Peterson, R.
Vickers
Wesely

Present and not voting, 2:

Goodrich
Remmers

Excused and not voting, 6:

Cope
Fitzgerald
Kahle
Marsh
Pirsch
Schmit

Advanced to E & R for Re-Engrossment with 26 ayes, 15 nays, 2 present and not voting, and 6 excused and not voting.

Mr. Vickers moved to adjourn sine die. The motion lost with 2 ayes, 39 nays, 2 present and not voting, and 6 excused and not voting.

MOTION - Reconsider Action on Motion to Adjourn

Mr. Chambers moved to reconsider the Vickers motion to adjourn sine die.

Mr. H. Peterson moved to adjourn until 9:30 a.m., Tuesday, May 26, 1981.

Mr. Chambers moved for a Call of the House. The motion lost with 7 ayes, 26 nays, and 16 not voting.

Mr. Landis requested a record vote on the H. Peterson motion to adjourn.

Voting in the affirmative, 33:

Barrett
Beyer
Burrows
Chronister
Clark
Cullan
Dworak
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Koch
Kremer
Labedz
Lamb
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 6:

Carsten	Haberman	Kilgarin
Chambers	Johnson, V.	Landis

Present and not voting, 4:

Beutler	DeCamp	Maresh	Marvel

Excused and not voting, 6:

Cope	Kahle	Pirsch
Fitzgerald	Marsh	Schmit

The motion to adjourn prevailed with 33 ayes, 6 nays, 4 present and not voting, and 6 excused and not voting.

MESSAGE FROM THE GOVERNOR

May 22, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 165A, 257A, 336A, 459, 499, 529, 529A, 541, and 541A, as well as Reengrossed Legislative Bills 165, 257, 336, and 459A were received in my office this week.

These bills were signed by me on May 22, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

VISITORS

Visitors to the Chamber were 38 students, teachers, and sponsors from Ainsworth; and Mary Pat Stech and Belita Knott from Witchita, Kansas.

ADJOURNMENT

At 5:58 p.m., on a motion by Mr. H. Peterson, the Legislature adjourned until 9:30 a.m., Tuesday, May 26, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

Failed to advance to E & R for Engrossment with 23 ayes, 20 nays, 4 present and not voting, and 2 excused and not voting.

EIGHTY-SEVENTH DAY - MAY 26, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

EIGHTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 26, 1981

Pursuant to adjournment, the Legislature met at 9:33 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Jerry Leever, Belmont Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Vickers who was excused; and Miss Kilgarin, Messrs. Chambers, Chronister, Haberman, and Stoney who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2220, line 29, strike ''Review'' and insert ''Engrossment''.
Page 2244, strike lines 7 and 8.
The Journal for the Eighty-Sixth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 472A.

(Signed) Karen Kilgarin, Chairperson

MOTION - Return LB 134 to Select File

Mr. Schmit moved to return LB 134 to Select File for the following specific amendment:

(FINAL READING SECOND)

1. Insert the following new section:

"Sec. 14. That section 49-1434, Revised Statutes Supplement, 1980, be amended to read as follows:

49-1434. (1) Principal shall mean a person who authorizes a lobbyist to lobby in behalf of that principal.

(2) Lobbyist shall mean a person who is authorized to lobby on behalf of a principal, and shall include an officer, agent, attorney, or employee of the principal whose regular duties include lobbying.

(3) Principal or lobbyist shall not include:

(a) A public official or employee of a branch of state government except the University of Nebraska, or an elected official of a political subdivision who is acting in the course or scope of his or her office or employment;

(b) Any publisher, owner, or working member of the press, radio, or television while disseminating news or editorial comment to the general public in the ordinary course of business:

(c) An employee of a principal or lobbyist whose duties are confined to typing, filing, and other types of clerical office work;

(d) Any person, except as provided in subsection (4) of this section, who limits his or her activities (i) to appearances before legislative committees and who so advises the committee at the time of his or her appearance whom he or she represents or that he or she appears at the invitation of a named member of the Legislature or at the direction of the Governor, or (ii) to writing letters or furnishing written material to individual members of the Legislature or to the committees thereof who furnishes to the Clerk of the Legislature a copy of such letter or written material for public inspection; or

(e) Any individual who does not engage in lobbying for another person, as defined in section 49-1438.

(4) Lobbyist shall include any person except a political candidate or candidate campaign committee who solicits funds or support, collects dues, or expends money when such solicitation, collection, or expenditure is in excess of one thousand dollars and such person uses such funds to influence any political issue within the State of Nebraska.".

2. On page 16, line 23, strike "section" and insert "sections 49-1434 and".

3. Renumber remaining sections accordingly.

4. In the title in line 7 strike "section" and

insert "sections 49-1434 and "; and in line 8 after the second semicolon insert "to change provisions relating to lobbyists as prescribed;".

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Schmit motion to return lost with 23 ayes, 16 nays, 7 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 134.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1401, 49-1403, 49-1456, 49-1499, 49-14,123, 49-14,125, 49-14,126, 49-14,132, and 49-14,133, Reissue Revised Statutes of Nebraska, 1943, and section 49-1490, Revised Statutes Supplement, 1980; to redefine terms; to change provisions relating to the filing of campaign statements; to restrict the use of campaign funds; to provide for reporting of conflicts of interest as prescribed; to harmonize provisions; to change restrictions on the sale or use of certain filings; to change provisions relating to contributions and gifts; and to repeal the original sections, and also section 49-1476, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 34:

Barrett
Beutler
Beyer
Burrows
Carsten
Cope
DeCamp
Dworak
Fitzgerald
Goodrich
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, R.
Pirsch
Rumery
Sieck
Stoney
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 11:

Clark
Cullan
Fenger
Goll
Hefner
Johnson, L.
Kahle
Peterson, H.
Remmers
Schmit
Von Minden

Present and not voting, 1:

Fowler

Excused and not voting, 3:

Chambers
Chronister
Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 224.

A BILL FOR AN ACT to amend section 2-1502, Revised Statutes Supplement, 1980, relating to the Nebraska Natural Resources Commission; to change provisions relating to the Small Watersheds Flood Control Fund; to change provisions for state assistance as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Carsten
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 3:

Chambers
Chronister
Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 326. With Emergency.

A BILL FOR AN ACT relating to water; to amend sections 2-3271, 23-320.02, and 46-630, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3229, 2-3254, and 2-3279, Revised Statutes Supplement, 1980; to provide for a water planning and review process; to establish an advisory board; to provide duties; to restrict the power of eminent domain; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Carsten
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 3:

Chambers
Chronister
Vickers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 360.

A BILL FOR AN ACT to amend sections 66-401, 66-403, 66-404, 66-410.03, 66-441, 66-442, 66-609, 66-611, and 66-618, Reissue Revised Statutes of Nebraska, 1943, section 66-410.02, Revised Statutes Supplement, 1980, and sections 66-410 and 66-428, Revised

Statutes Supplement, 1980, as amended by sections 1 and 2, respectively, Legislative Bill 104, Eighty-seventh Legislature, First Session, 1981, relating to motor vehicle and special fuels; to redefine a term; to provide duties; to change dealer security provisions; to change tax provisions; to change permit requirements; to permit changes of the period covered by certain reports; to change a penalty provision; and to repeal the original sections, and also sections 66-405.01, 66-504, and 66-634, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Barrett
Beyer
Burrows
Carsten
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Chambers
Chronister
Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 108
May 22, 1981

Dear Senator Beutler:

You have asked for our opinion on the constitutionality of a proposed amendment to LB 352. You have provided us with a copy of Request No. 2367. You direct our attention to that portion of the request which provides that Neb.Rev.Stat. §77-3422 (1980 Supp.) shall be amended to authorize an increase in the anticipated combined receipts of political subdivisions of the average percentage rate of growth in state personnel income for the previous three calendar years. Your proposed amendment to LB 352, as contained in Request No. 2367 provides, "State personal income shall mean the total annual personal income in the state as published by the United States Department of Commerce or its successor agency."

As we have stated to you in previous letters, the Legislature may lawfully adopt by statute existing laws or regulations of another jurisdiction, including that of the United States. See Report of the Attorney General, 1975-76. page 82, April 23, 1975; Report of the Attorney General, 1979-80, page 151, May 4, 1979, Opinion No. 105. In addition, the Nebraska Supreme Court has held valid an indexing of elected officials' salaries to the consumer price index as established by the Department of Labor, see, Shepoka v. Knopik, 201 Neb. 780, 272 N.W.2d 364 (1978). Unfortunately, the amendment you propose attempts to do more than that. It states that personal income shall mean that income as published by the United States Department of Commerce or its successor agency. We believe that your proposed amendment suffers from two flaws. The first flaw is that the index to which the subdivision's budget increase would be tied we believe is insufficiently spelled out in your proposed amendment. It should be set forth with specificity and precision so that no question can arise as to what index such increases were being tied. Here it is conceivable that the affected federal agency might publish more than a single compilation of Nebraska personnel income in any given period. It is also conceivable that the agency could modify the basis upon which such figures were compiled. The second difficulty is that the amendment specifies that some successor agency also publishing such data would be followed in compiling the limitations upon subdivision budgets. This the Legislature clearly may not do. See, Smithberger v. Banning, 129 Neb. 651, 262 N.W.2d 492 (1935). In summation, then, we believe that there are serious flaws in the amendment as it is currently proposed.

We do not mean to suggest by the conclusion we have reached above that the legislature may not properly adopt such an amendment tied to a specific index for use in determining limitation to be placed on subdivision budgets. Our conclusion simply is that this amendment falls short of those standards that must be met under the case law of the State of Nebraska to properly adopt such an amendment.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:jmf
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 109
May 26, 1981

Dear Senator H. Peterson:

This is in response to your letter of May 20, 1981, concerning LB 512 and the difference in treatment of construction liens towards owners of residential property, as opposed to owners of other types of property. Specifically you ask whether this difference in treatment under section 15 of LB 512 results in a constitutionally valid classification.

Under section 15(1)(b) of LB 512 the potential lien of a subcontractor or supplier against the owner of property other than residential property is for the amount unpaid under the lien claimant's contract with the prime contractor. Under section 15(2) of LB 512 the potential lien against the owner of residential property is the lesser of the amount unpaid under the lien claimant's contract with the prime contractor, or the amount unpaid under the residential property owner's contract with the prime contractor, through which the subcontractor or supplier makes his lien claim, at the time the residential owner receives the claimant's notice of lien liability. As a result, the potential lien liability for a residential home buyer could conceivably be less than the liability of an owner of commercial property, if the prime contractor involved had been paid by the residential property owner prior to the subcontractor or supplier furnishing notice of lien liability to that property owner.

LB 512 was introduced on behalf of the "homeowners of Nebraska." The committee hearing and floor debates for this bill are repleat with statements, testimony and references to the fact that this bill is needed to protect residential home buyers, who essentially lack the actual ability as well as the commercial, legal and business sophistication to deal adequately with the existing mechanics lien law. On the contrary, there does not appear to be any evidence in the record that owners of commercial or other types of property are experiencing the same difficulties. The obvious intent of the bill as written is to protect residential home buyers under the construction lien law. In simple terms it is basically residential consumer protection legislation.

A legislative classification will be upheld if it has a resonable basis and if it bears a relationship to some valid legislative purpose. Pegasus of Omaha, Inc. v. State, 203 Neb. 755, 280 N.W.2d 64 (1979); State ex rel. Halloran v. Hawes, 203 Neb. 45, 279 N.W.2d 96 (1979). Likewise a legislative classification is valid if it is based upon some reason of public policy, or some substantial difference of situation or circumstances that would naturally suggest the justice or expediency of diverse legislation with respect to the objects of the classifications. State ex rel. Douglas v. Marsh, 207 Neb. 598, _N.W.2d_ (1980).

The apparent legislative purpose is to provide some protection to consumers of residential housing, which is a perfectly valid legislative purpose. According to the legislative history of LB 512 there appears to be an adequately demonstrated need for the protection of this particular class of individuals and thus a rational public policy basis for this difference in treatment concerning potential lien liability as between residential property owners and owners of commercial or other types of property. Because of the apparent differences of circumstance between these two classes of property owners and the justifiable need for some protection for the one class, this difference in treatment does not appear to be unreasonable. In this regard LB 512 appears to be constitutionally valid.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

MESSAGE FROM THE GOVERNOR

May 26, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 477 and 477A, as well as Reengrossed Legislative Bill 316 were received in my office last week.

These bills were signed by me on May 25, 1981 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mhoved

GENERAL FILE

LEGISLATIVE BILL 448. Title read. Considered.

Standing Committee amendments found in the Journal on page 1190 for the Fifty-Third Day were considered.

Mr. Warner requested a division of the question on the Standing Committee amendments.

The Chair sustained the division.

Mr. Wesely moved to bracket LB 448 until next session.

The Wesely motion to bracket prevailed with 26 ayes, 13 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 387. Title read. Considered.

Standing Committee amendments, Req. #2124, found in the Journal on page 782 for the Thirty-Eighth Day were considered.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Fowler renewed his pending amendment found in the Journal on page 1133 to the Standing Committee amendments.

The amendment was adopted with 15 ayes, 0 nays, 31 present and not voting, and 3 excused and not voting.

Mr. Fowler moved for a Call of the House. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. H. Peterson moved to indefinitely postpone LB 387.

Mr. Fowler moved for a Call of the House. The motion prevailed with 22 ayes, 6 nays, and 21 not voting.

Mr. Fowler requested a roll call vote on the motion to indefinitely postpone LB 387.

Voting in the affirmative, 23:

Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Fenger
Goll
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Maresh
Nichol
Peterson, H.
Peterson, R.
Remmers
Schmit
Stoney
Von Minden
Wagner
Warner

Voting in the negative, 24:

Barrett
Beutler
Burrows
Cullan
Dworak
Fitzgerald
Fowler
Goodrich
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Newell
Pirsch
Rumery
Sieck
Wesely
Wiitala

Excused and not voting, 2:

Chambers
Vickers

The motion to indefinitely postpone lost with 23 ayes, 24 nays, and 2 excused and not voting.

Laid over.

The Chair declared the Call raised.

ATTORNEY GENERAL'S OPINION

Opinion No. 110
May 26, 1981

Dear Senator H. Peterson:

This is in response to your letter of May 20, 1981, concerning the constitutional validity of the notice provisions for the filing of a termination of notice of commencement under section 25 of LB 512.

Specifically under section 25(b) of LB 512, notice of a filing of a termination of a notice of commencement is required to be sent to all claimants who have specifically requested notice of the filing of such a termination. Under subsection (3) of this section, notice by publication is also required for three consecutive weeks. Your concern appears to be that such notice is not required to be sent to claimants actually known to the owner, but who have not filed a request for notice of termination, and for claimants, who under LB 512 may be precluded from filing such a request for notice. Apparently under section 14 of LB 512, which provides for the filing of a request for notice of termination by a claimant, subsection (5) indicates that this particular section applies only to claimants dealing with residential property owners. It does not appear to be certain, however, that this necessarily precludes a claimant from requesting such a notice of the filing of a termination in all other circumstances. In this regard your inquiry is whether these latter two categories of claimants are afforded "adequate due process" by the constructive notice of the filing of the termination, which in turn may adversely affect their ability to perfect a lien.

The right to obtain a construction lien is not absolute under LB 512, but exists "only to the extent provided in this act", as noted in section 10(1) of LB 512. To perfect a lien, a claimant must act within the time specified in this act, particularly under section 16 of this act. It appears that unlike the existing mechanics lien law, the burden under LB 512 is upon the potential lien holder to take the necessary steps to insure that all parties involved are adequately aware of the fact that he has not yet been paid for his goods or services, and thus are aware of the actual existence of potential lien liability so as to prevent the unjust situation in which an unwitting purchaser of residential property is suddenly subjected to liens for work or materials of which he had no direct knowledge, until after he has completed the payment of his contract with the prime contractor. While the purchaser of the residential property may have actual knowledge of the subcontractor or supplier, or in the situation in which the claimant may technically be unable to file a request for notice of the termination of commencement, that claimant nevertheless is aware upon the commencement of his work or the supplying of his materials, that there are certain requirements he must meet in order to be able to perfect his potential lien and should therefore act accordingly. In effect, the claimant is on notice from the very beginning as to what his rights are in this situation and that in any event he has only a limited time in which to perfect his lien rights. Whatever right the claimant has to perfect a lien are only those rights which have been granted to him by the Legislature under LB 512 and nothing more. In this regard there seems to be nothing improper in the Legislature requiring only constructive notice of the particular filing in this instance to be given to those claimants who have not taken advantage of the existing procedures for obtaining actual notice, or for that matter any claimants who have not actively pursued their particular claims.

There is no real correlation in this instance between the notice provisions afforded to potential lien holders and their subsequent ability to perfect that lien, and the due process rights involving the necessity for personal service or actual notice in judicial proceedings. Due process restrictions apply only to actions involving the state and add nothing to the rights of one citizen against another. The failure of an individual to perfect a lien against another within the prescribed period of limitations does not give rise to any such due process requirements.

In many respects the status of the lien claimant under section 25 of LB 512 is not unlike the status of a creditor in a probate proceeding under the Nebraska Probate Code. The only requirement of notice to creditors in a probate proceeding is through publication, even though a personal representative may have actual knowledge of the existence of a creditor of the estate, unless of course that creditor has filed a request for notice. It does not seem unreasonable to place the burden on a creditor in such a situation to perfect his potential claim, which may include the implied requirement that he keep himself abreast of the status of that claim by whatever means he has available. A claimant under LB 512 who acts diligently to perfect his lien rights will not be adversely affected in any event. It should also be noted that even though a claimant fails to perfect his lien rights, he still has a contractual claim against the prime contractor.

In this regard we see no constitutional improprieties in the constructive notice provisions as they apply to the filing of a notice of termination of commencement under section 25 of LB 512.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 435 in the Journal. No objections. So ordered.

Amendments to Standing Committee Amendments

1. On page 2, strike beginning with "line" in line 4 through "in" in line 6.
2. Insert new amendments as follows:
"25. On page 30, strike lines 12 through 27.
26. On page 31, strike line 1.".
3. On page 3, line 15, strike "bonds" and insert "bond issues".

EXPLANATION OF VOTE

If I had been present, I would have voted yes on the following bills: 134, 224, 326E, and 360.

(Signed) Harry B. Chronister

GENERAL FILE

LEGISLATIVE BILL 460. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 218. Title read. Considered.

Standing Committee amendments found in the Journal on page 1230 for the Fifty-Fifth Day were considered.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Standing Committee amendments were adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 134, 224, 326, and 360.

VISITORS

Visitors to the Chamber were 12 legislators and sponsors from Imo State in Nigeria; Senator Higgins' sister, Mrs. Robert Young from Sloan, Iowa; Senator Maresh's wife and grandchildren, Gina and Joel Placek from Milford; Senator Beyer's daughter, Diane Schnell, grandchildren, Jason, Jeremy, and Tami Schnell, and their 4-H Club from Gretna; and 17 seventh and eighth grade students, teacher, and sponsors from Zion Lutheran School, Omaha.

RECESS

At 11:55 a.m., on a motion by Mrs. Marsh, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:38 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Vickers who was excused; and Messrs. Chambers, DeCamp, and Schmit who were excused until they arrive.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 460. Placed on Select File as amended.
E & R amendment to LB 460:

1. On page 5, line 3, strike "loan" and insert "lend"; and in line 6, strike "loaned" and insert "lent".

LEGISLATIVE BILL 218. Placed on Select File as amended.
E & R amendment to LB 218:

1. In the title, strike beginning with "section" in line 2 through the first "and" in line 4; strike beginning with "to" in line 7 through "of" in line 9

and insert "to provide for the aquisition and sale of certain".

(Signed) Karen Kilgarin, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Overrule Speakers Calendar

Mr. Stoney moved to overrule the Speakers calendar so that adjournment sine die be scheduled for May 29, 1981.

Mr. Stoney moved for a Call of the House. The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Stoney requested a roll call vote on his motion.

Voting in the affirmative, 22:

Barrett
Beutler
Beyer
Carsten
Cope
Fenger
Goodrich
Hefner
Hoagland
Johnson, L.
Kremer
Lamb
Landis
Marsh
Peterson, H.
Peterson, R.
Pirsch
Remmers
Stoney
Von Minden
Wagner
Warner

Voting in the negative, 23:

Burrows
Chronister
Cullan
Dworak
Fitzgerald
Fowler
Goll
Haberman
Higgins
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Maresh
Marvel
Newell
Nichol
Rumery
Schmit
Sieck
Wesely
Wiitala

Present and not voting, 1:

Clark

Excused and not voting, 3:

Chambers
DeCamp
Vickers

The Stoney motion lost with 22 ayes, 23 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

SELECT FILE

LEGISLATIVE BILL 406. E & R amendments found in the Journal on page 2233 for the Eighty-Sixth Day were adopted.

Mr. Wagner offered the following amendment:

1. In the Hefner amendment (3) on pages 2217 and 2218 of the Journal on page 1, line 21 strike "Center 1" and insert "the north part of Center, known as Center 1 precinct"; and strike beginning with "that" in line 21 through "43" in line 22 and insert "the townships of Milburn, West Union, Sargent, Corner, Comstock, Douglas Grove, and Spring Creek".

The amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Hefner offered the following amendment:

(Amendments to Standing Committee Amendments, Req. 2452)

1. On page 17, line 26, after "within" insert "or without".
2. Insert a new section as follows:
"Sec. 52. This act shall become operative on January 5, 1983, except that members of the Legislature from the even-numbered districts mentioned in this act shall be nominated at the primary election in 1982 and elected at the general election in November, 1982, for the term commencing January 5, 1983.".
3. Renumber remaining sections accordingly.

The amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Cope offered the following amendment:

In the Hefner amendment appearing on page 2217-18 of the Journal, in section 37 strike the word "precincts" and insert the word "townships", and in section 38 strike the word "precinct" and insert "township".

The amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Messrs. Newell, Fitzgerald, Koch, Stoney, Wiitala, Mrs. Labedz, and Miss Kilgarin offered the following amendment:

Amendments to Standing Committee Amendments

1. On page 2, line 4 after the second "Street" insert "to Prairie Lane, southeast on Prairie Lane to 116th Street, south on 116th Street"; strike beginning with the first "Washington" in line 14 through "to" in line 15; and in line 22 strike "51st" each time it occurs and insert "45th".

2. On page 3, line 1, after the first "Street" insert "to 48th Street, south on 48th Street to Giles Road, east on Giles Road to 36th Street, north on 36th Street to Harrison Street, east on Harrison Street"; and strike beginning with the first "Washington" in line 17 through "to" in line 18.

3. On page 4, line 25 strike "Center" each time it occurs and insert "Bancroft" and after the third "Street" insert "to 40th Street, south on 40th Street to Wright Street, east on Wright Street"; in line 26 strike "south" and insert "north"; and in line 27 strike "39th" each time it occurs and insert "38th".

4. On page 8, strike beginning with "to" in line 24 through the first "Street" in line 27.

5. On page 9, line 1 strike "51st" each time it occurs and insert "45th".

6. On page 12, strike beginning with "extended" in line 24 through "River" in line 25 and insert "to 180th Street, north to 180th Street extended".

7. On page 13, line 5, after the second "Street" insert "to Prairie Lane, southeast on Prairie Lane to 116th Street, south on 116th Street".

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell asked unanimous consent to withdraw their pending amendment. No objections. So ordered.

Advanced to E & R for Engrossment with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 551. E & R amendment found in the Journal on page 2233 for the Eighty-Sixth Day was adopted.

Mr. Hefner offered the following amendment:

(Amendments to Standing Committee Amendments)

1. On page 1, strike lines 12 through 25.

2. On page 2, in lines 1 through 27 strike the new matter and reinstate the stricken matter; in

line 16 strike "Sarpy," and show as stricken, strike "Johnson," and show as stricken, and strike "Pawnee," and show as stricken; in line 17 after the semicolon insert "and that portion of Sarpy County not in Public Service Commission district 2;"; in line 19 after "districts" insert "3," and after the semicolon insert "and the following territory in Sarpy County: Beginning at the intersection of 60th Street and the Douglas-Sarpy County line, south to a line six miles south of the Sarpy-Douglas County line, east to the Missouri Pacific railroad tracks, south along the Missouri Pacific railroad tracks to Highway 370, east on Highway 370 to Highway 73-75, north on Highway 73-75 to Railroad Avenue, north on Railroad Avenue to the Douglas-Sarpy County line, west on the Douglas-Sarpy County line to the point of beginning;"; and in line 24 after "districts" insert "3,".

3. On page 3, in lines 1 through 10 reinstate the stricken matter and in line 1 after the last comma insert "Johnson, Pawnee,".

MR. CLARK PRESIDING

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. Hefner moved for a Call of the House. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

Mrs. Labedz requested a roll call vote on the Hefner amendment.

Voting in the affirmative, 24:

Carsten
Chronister
Clark
Cope
Fowler
Goll
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Maresh
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Von Minden
Wagner
Warner

Voting in the negative, 19:

Barrett
Beutler
Cullan
Dworak
Fenger
Fitzgerald
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marvel
Newell
Stoney
Wesely
Wiitala

Present and not voting, 2:

Beyer	Burrows

Excused and not voting, 4:

Chambers	DeCamp	Schmit	Vickers

The Hefner amendment lost with 24 ayes, 19 nays, 2 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 26, 1981, at 1:50 p.m., were the following bills: 134, 224, 326, and 360.

(Signed) Hazel Kaltenberger, Enrolling Clerk

UNANIMOUS CONSENT - Member Excused

Mr. Stoney asked unanimous consent to be excused Friday, June 5, 1981. No objections. So ordered.

STANDING COMMITTEE REPORT
Education

In Executive Session on Thursday, May 21, 1981, the following Gubernatorial appointments and reappointments were approved by the Education Committee:

Safety Center Advisory Council
Fred Zwonecheck, Gary Lund, John Ward, Gary Sims, Honorable Glen Fiebig, Bob Gunderson, Charles Fairbanks, Duane Schmidt, Rollin Schneider

Educational Television Commission
Roger Bailey

Postsecondary Education Coordinating Commission
Wendall Wood, Beth Klosterman

(Signed) Jerry D. Koch, Chairperson

SELECT FILE

LEGISLATIVE BILL 552. E & R amendments found in the Journal on page 2234 for the Eighty-Sixth Day were adopted.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner offered the following amendment:

(Amendment to the Standing Committee Amendments)

1. On page 4, lines 14 and 19 after "term" insert "or so long as he or she shall be retained in office".

The amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Wesely offered the following amendment:

(Amendments to the Standing Committee Amendments)

1. On page 1, strike lines 11 and 12 and insert: "District No. 1. The counties of Richardson, Pawnee, Gage, Jefferson, Nemaha, Johnson, Otoe, Saline, Fillmore, Seward, York, Butler; in Cass County the precincts of Salt Creek, Greenwood, Tipton, South Bend, Elmwood, and Stone Creek; and that part of Lancaster County not in Supreme Court judicial district 3."; and strike lines 16 through 21 and insert: "District No. 3. The counties of Knox, Cedar, Dixon, Dakota, Pierce, Wayne, Thurston, Madison, Stanton, Cuming, Colfax, Dodge, and Saunders; and in Lancaster County starting at the intersection of West Van Dorn Street and the Lancaster-Seward County line, east on Van Dorn Street to Coddington Street and from that point following the boundaries of legislative districts 27 and 46, to include both districts, to the intersection of the north boundary of legislative district 46 and 27th Street, north on 27th Street to the Lancaster-Saunders County line, west and then south on the Lancaster County line to the point of beginning, and also in Lancaster County precincts 5-E-4, 9-G-1, and 9-G-2B.".

The amendment lost with 4 ayes, 19 nays, 22 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 553. E & R amendments found in the Journal on page 2234 for the Eighty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 554. E & R amendments found in the Journal on page 2234 for the Eighty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 243. Mr. Haberman offered the following amendment:
(Amendment on file in the Clerk's Office - Req. #2467.)

Mr. Schmit requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment not germane.

Mr. Haberman moved to indefinitely postpone LB 243.

Mr. Haberman asked unanimous consent to withdraw his motion to indefinitely postpone. No objections. So ordered.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Schmit requested a roll call vote to advance the bill.

Voting in the affirmative, 25:

Beutler
Beyer
Burrows
Chambers
Chronister
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Higgins
Johnson, L.
Labedz
Lamb
Maresh
Marvel
Peterson, R.
Remmers
Schmit
Stoney
Von Minden
Warner
Wesely

Voting in the negative, 20:

Barrett
Carsten
Clark
Cope
Dworak
Haberman
Hefner
Hoagland
Johnson, V.
Kilgarin
Kremer
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Sieck
Wagner
Wiitala

Present and not voting, 3:

Kahle
Koch
Rumery

Excused and not voting, 1:

Vickers

Advanced to E & R for Engrossment with 25 ayes, 20 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

MESSAGE FROM THE GOVERNOR

May 26, 1981

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I hereby return LB 39 and LB 39A without my signature and with my objections.

LB 39 reduces the county share of Medicaid costs from 16 percent to 14 percent effective July 1, 1981. This provision increases the State General Fund cost of the Medicaid program approximately $2.4 million. As I have stated many times recently, with the current downturn in state revenues, it is neither prudent nor appropriate to embark on new or expanded programs at this time.

Since LB 138 was passed by the Eighty-sixth Legislature in 1979, the counties have paid over $6,500,000 less for the Medicaid program than would have been paid under the prior matching rate of 20 percent. When these figures are considered together with the other significant improvements that have been made in other state aid programs, I believe that our overall property tax relief efforts have been commendable.

I urge you to sustain my veto of LB 39 and LB 39A.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:dld

MOTIONS - Override Governor's Vetoes

Mr. Kahle moved that LB 39 become law notwithstanding the objections of the Governor.

Laid over.

Mr. Kahle moved that LB 39A become law notwithstanding the objections of the Governor.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 472A in the Journal. No objections. So ordered.

(Final Reading Copy)

1. On page 2, line 11, before “private” insert “public,”.

2. On page 2, line 2, after “any” insert “public,”; strike beginning with “director” in line 3 through “organization” in line 5 and insert “governing body”; in line 6 strike “conviction” and insert “freedom of choice, convictions,”; and in line 12 strike “director” and insert “school board, director,”.

ANNOUNCEMENT

Mr. Lamb announced an Executive Board meeting, Wednesday, May 27, 1981, at 8:00 a.m.

SELECT FILE

LEGISLATIVE BILL 216. E & R amendments found in the Journal on page 1816 for the Seventy-Sixth Day were adopted.

Mr. Schmit offered the following amendment:

1. On page 15, in lines 12 and 16, strike “maximize” and insert “minimize”.

The amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Mr. Beutler offered the following amendment:

Delete the words "solid or dissolved materials in irrigation return flows or" in lines 10 and 11, page 7.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Beutler
Chambers
Fitzgerald
Fowler
Goodrich
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Peterson, R.
Stoney
Wesely
Wiitala

Voting in the negative, 32:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Maresh
Marvel
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner
Warner

Excused and not voting, 1:

Vickers

The Beutler amendment lost with 16 ayes, 32 nays, and 1 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Cullan asked unanimous consent to print the following amendment to LB 95 in the Journal. No objections. So ordered.

Final Reading Copy

1. In Sec. 11, page 9, line 3 strike the underscored "ten" and insert an underscored "seven".
2. In Sec. 13, page 10, lines 13 and 14 strike the underscored language and reinsert the strickened language; in line 18 strike "Each" and insert "The"; in lines 21 and 24 strike the new language and reinsert the strickened material.
3. In Sec. 25, page 20, lines 3 and 4 strike "regional center within the State of Nebraska" and insert "treatment facility".
4. Strike Section 29.
5. Renumber Section 30 as Section 29; renumber Section 31 as Section 30.

Mr. Dworak asked unanimous consent to print the following amendment to LB 552 in the Journal. No objections. So ordered.

Amendment to the Committee Amendments to LB 552:

In District #5 add the following counties: York, Seward, Fillmore, Saline, Thayer, and Jefferson.

In District #3 add the following counties: Antelope, Boone, Platte, Nance, and Merrick.

SELECT FILE

LEGISLATIVE BILL 352. E & R amendment found in the Journal on page 2112 for the Eighty-Third Day was adopted.

Messrs. Beutler and DeCamp asked unanimous consent to withdraw their pending amendment, Req. #2367, printed separate from the Journal and referred to on page 2089. No objections. So ordered.

Mr. Kahle asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Koch offered the following amendment:

1. Strike the original section and insert the following new sections:

"Section 1. Receipts from federal tax sources shall mean funds received by a political subdivision from the federal government for use for general and noncategorical purposes.

Sec. 2. That section 77-3421, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3421. Combined receipts shall mean the total of the funds received by a political subdivision from local tax sources, as defined in section 77-3419, and funds received from state tax sources, as defined in section 77-3420, and funds received from federal tax sources, as defined in section 1 of this act.

Sec. 3. That original section 77-3421 Revised Statutes Supplement, 1980, is repealed.”.

Mr. Nichol moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Koch amendment was adopted with 28 ayes, 5 nays, 14 present and not voting, and 2 excused and not voting.

Messrs. Beutler and DeCamp offered the following amendment:
Req. #2454

1. Strike the original section and insert new sections as follows:

“Section 1. That section 77-3412, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3412. Sections 77-3412 to 77-3431 and section 5 of this act shall be known and may be cited as the Political Subdivision Budget Limit Act. ~~of 1979.~~

Sec. 2. That section 77-3414, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3414. For the purposes of sections 77-3412 to 77-3431 and section 5 of this act, unless the context otherwise requires, the definitions found in sections 77-3415 to 77-3422 and section 5 of this act shall be used.

Sec. 3. That section 77-3420, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3420. ~~Except as provided in section 77-3425, receipts~~ Receipts from state tax sources shall mean funds received by a political subdivision, the original source of which is a tax or taxes imposed or levied by the State of Nebraska.

Sec. 4. That section 77-3422, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3422. (1) Except as provided in subsection (2) of this section, combined receipts budget base shall mean that amount that is the anticipated combined receipts of a political subdivision for the current fiscal year, or that amount that would have been the anticipated combined receipts of a political subdivision for the current fiscal year if the current fiscal year's anticipated receipts would have been ~~increased by seven per cent above~~ an amount equal to the anticipated combined receipts of the political subdivision for the prior fiscal year increased by the average percentage rate of growth in state personal income for the previous three calendar years.

(2) If any two or more political subdivisions are merged according to law, the combined receipts budget base of such newly merged political subdivision in the fiscal year immediately ensuing the completion of such merger shall be the sum of the anticipated combined receipts of each individual political subdivision involved in such merger for the current fiscal year.

Sec. 5. State personal income shall mean the total annual personal income in the state as published by the United States Department of Commerce, Bureau of Economic Analysis.

Sec. 6. That section 77-3423, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3423. (1) Except as otherwise provided in sections 77-3412 to 77-3431 and section 5 of this act, no governing body of any political subdivision shall adopt a budget statement pursuant to section 23-925, or pursuant to the charter or ordinances of a city with a home rule charter, in which the anticipated combined receipts for the ensuing fiscal year exceeds an ~~increase of seven per cent above~~ amount equal to the combined receipts budget base increased by the average percentage rate of growth in state personal income for the previous three calendar years. The provisions of this section shall not apply to a newly created political subdivision which had no combined receipts for the prior fiscal year.

(2) In lieu of the limitation imposed by subsection (1) of this section, any political subdivision which has experienced or anticipates an increase in its population, as measured pursuant to section 77-3427, of five per cent or more above the population for the immediately preceding year, may elect to increase its anticipated combined receipts for the ensuing fiscal year by a percentage which shall not exceed the average percentage increase in the anticipated combined receipts for the three immediately preceding fiscal years. If any political subdivision qualifies for and elects to utilize the limit provided for in this subsection, such political subdivision shall not further increase the percentage limit calculated pursuant thereto to compensate for any population increases calculated pursuant to section 77-3427. If any political subdivision qualifies for and elects to utilize the limit provided for in this subsection, such limit shall be used only in the year or years in which a population increase of five per cent or more is experienced or anticipated.

Sec. 7. That section 77-3424, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3424. For the purposes of sections 77-3412 to 77-3431 and section 5 of this act, anticipated receipts from local tax sources shall not include: (1) Receipts for any fund used for retiring, refunding, or servicing bonded indebtedness; (2) funds ~~used to pay for the first year's implementation of any new program established by state law and specifically designated as a new program for the purposes of sections 77-3412 to 77-3431,~~ received during the first year from taxes imposed or levied for any control area established pursuant to sections 46-656 to 46-674, but such funds shall be included in computing the combined receipts budget base for each year following the first year; and (3) receipts from the increased tax levied or caused to be levied pursuant to the authority granted under section 77-3428. ~~; (4) receipts from any tax levied pursuant to section 79-506.01; and (5) funds used for payment of employer contributions for the provisions of the Federal Insurance Contributions Act, fuel for any purpose, and electricity which are in excess of one hundred seven per cent of the amount budgeted in the immediately preceding fiscal year for such items.~~

Sec. 8. That section 77-3426, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3426. ~~Any political subdivision that is authorized by state law to levy a tax or cause a tax to be levied, which tax or portion thereof is in addition to the tax such political subdivision is authorized to levy or cause to be levied on May 17, 1979, shall not include as a receipt from local tax sources the anticipated receipts from such newly authorized levy during the first fiscal year for which such newly authorized levy generates tax receipts, but thereafter the receipts from such newly authorized tax shall be included in determining receipts from local tax sources. For the purposes of sections 77-3412 to 77-3431, the tax levied or caused to be levied by a newly created political subdivision in the first year such levy generates tax receipts shall be considered as a newly authorized levy.~~ Any political subdivision that has its authority to levy a tax or cause a tax to be levied reduced by operation of state law shall reduce the combined receipts base for the ensuing year

Sec. 9. That original sections 77-3412, 77-3414, 77-3420, 77-3422 to 77-3424, and 77-3426, Revised Statutes Supplement, 1980, and also sections 77-3425, 77-3430, 77-3432, and 77-3432.01, Revised Statutes Supplement, 1980, are repealed.".

Messrs. Goll and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Beutler-DeCamp amendment lost with 5 ayes, 26 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Newell renewed his amendment found in the Journal on page 2050.

Mr. L. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Newell amendment lost with 9 ayes, 26 nays, 11 present and not voting, and 3 excused and not voting.

Mr. DeCamp offered the following amendment:
Req. #2461

1. Strike original section 1 and insert the following new sections:

"Section 1. That section 77-3423, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3423. (1) Except as otherwise provided in sections 77-3412 to 77-3431, no governing body of any political subdivision shall adopt a budget statement pursuant to section 23-925, or pursuant to the charter or ordinances of a city with a home rule charter, in which the anticipated combined receipts for the ensuing fiscal year exceeds an increase of seven per cent above the combined receipts budget base, except that if two-thirds of the members of the governing body vote to exceed such limit, then the maximum allowable increase shall be nine and one half per cent.

(2) In lieu of the limitation imposed by subsection (1) of this section, any political subdivision which has experienced or anticipates an increase in its population, as measured pursuant to section 77-3427, of five per cent or more above the population for the immediately preceding year, may elect to increase its anticipated combined receipts for the ensuing fiscal year by a percentage which shall not exceed the average percentage increase in the anticipated combined receipts for the three immediately preceding fiscal years. If any political subdivision qualifies for and elects to utilize the limit provided for in this subsection, such political subdivision shall not further increase the percentage limit calculated pursuant thereto to compensate for any population increases calculated pursuant to section

77-3427. If any political subdivision qualifies for and elects to utilize the limit provided for in this subsection, such limit shall be used only in the year or years in which a population increase of five per cent or more is experienced or anticipated.

Sec. 2. That original section 77-3423, Revised Statutes Supplement, 1980, is repealed.".

Mr. Stoney moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The DeCamp amendment lost with 10 ayes, 22 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment:

Req. #2443

1. Insert new sections as follows:

"Section 1. That section 77-3424, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3424. For the purposes of sections 77-3412 to 77-3431, anticipated receipts from local tax sources shall not include: (1) Receipts for any fund used for retiring, refunding, or servicing construction warrants or bonded indebtedness; (2) funds used to pay for the first year's implementation of any new program established by state law and specifically designated as a new program for the purposes of sections 77-3412 to 77-3431, but such funds shall be included in computing the combined receipts budget base for each year following the first year; (3) receipts from the increased tax levied or caused to be levied pursuant to the authority granted under section 77-3428; (4) receipts from any tax levied pursuant to section 79-506.01; and (5) funds used for payment of employer contributions for the provisions of the Federal Insurance Contributions Act, fuel for any purpose, and electricity which are in excess of one hundred seven per cent of the amount budgeted in the immediately preceding fiscal year for such items.

Sec. 2. That original section 77-3424, Revised Statutes Supplement, 1980, is repealed.".

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The Beutler amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Dworak asked unanimous consent to print the following amendment to LB 552 in the Journal. No objections. So ordered.

Page 1, line 18, strike “York” and “Seward”, Strike lines 19-21, and add “Antelope, Boone, Platte, Nance, and Merrick.”

Page 2, line 19, strike “Merrick” and “Nance” and strike line 20, and add “York, Seward, Fillmore, Saline, Jefferson and Chase.”

Page 2, line 27, strike “Chase”.

Page 1, line 22, strike “county” and insert “counties”; strike “in” and insert “and”. Strike lines 23-25. Page 2, line 1, strike “and the city of Plattsmouth.”

SELECT FILE

LEGISLATIVE BILL 320. E & R amendment found in the Journal on page 2149 for the Eighty-Fourth Day was adopted.

Mr. Lamb asked unanimous consent to withdraw his pending amendments (1) and (2) found in the Journal on page 2159. No objections. So ordered.

Mr. Lamb offered the following amendment:

1. On page 3, strike lines 7 through 24, show the old matter as stricken, and insert the following:

“(4) For fiscal years 1981-82, 1982-83, and 1983-84 the levy provided in subsection (1) of this section may be exceeded by a two-thirds vote of the area board of any area. The tax levy increase permitted under this subsection shall not exceed an additional two and two-tenths cents on each one hundred dollars on the actual valuation of all property within the area or an amount sufficient to fund the local tax receipt portion of the total budget increase permitted under Chapter 77, article 34, whichever tax levy increase is less.”.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Nichol offered the following amendment:

Add “Emergency Clause” on LB 320.

The amendment was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 488. E & R amendments found in the Journal on page 2148 for the Eighty-Fourth Day were adopted.

Mrs. Higgins offered the following amendment:
On page 2, line 18 reinstate the stricken matter and delete the new matter and on page 2, line 19 following the word "thousand" insert "one hundred and twenty."

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Chambers requested a record vote.

Mrs. Higgins moved for a Call of the House. The motion lost with 14 ayes, 19 nays, and 16 not voting.

Mrs. Higgins requested a roll call vote on her amendment.

Voting in the affirmative, 9:

Burrows
Chambers
Fitzgerald
Higgins
Kilgarin
Labedz
Pirsch
Wesely
Wiitala

Voting in the negative, 28:

Carsten
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Lamb
Landis
Maresh
Marsh
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Stoney
Von Minden
Wagner
Warner

Present and not voting, 9:

Barrett
Beutler
Beyer
Clark
Koch
Kremer
Marvel
Newell
Sieck

Excused and not voting, 3:

Goll Schmit Vickers

The Higgins amendment lost with 9 ayes, 28 nays, 9 present and not voting, and 3 excused and not voting.

Messrs. DeCamp and Goodrich offered the following amendment:

1. On page 2, strike the new matter and reinstate the stricken matter; and in line 19 after the period insert "Commencing the first Thursday after the first Tuesday in January, 1983, such salary shall be increased by six per cent. Commencing on January 1, 1984, 1985, and 1986, such salary shall be increased by an additional six per cent.".

2. On page 5, strike the new and reinstate the stricken matter; and strike the sentence beginning in line 10 and show as stricken; after the period in line 17 insert "Commencing the first Thursday after the first Tuesday in January, 1983, such salary shall be increased by six per cent. Commencing on January 1, 1984, 1985, and 1986, such salary shall be increased by an additional six per cent."; and strike the sentence beginning in line 21 and show stricken.

3. On page 6, lines 3 to 12, strike the new and reinstate the stricken matter; and after the period in line 13 insert "Commencing the first Thursday after the first Tuesday in January, 1983, such salary shall be increased by six per cent. Commencing on January 1, 1984, 1985, and 1986, such salary shall be increased by an additional six per cent.".

4. In committee amendments, page 1, lines 8 and 9, strike the new and reinstate the stricken matter; and after the period in line 10 insert "Commencing the first Thursday after the first Tuesday in January, 1983, such salary shall be increased by six per cent. Commencing on January 1, 1984, 1985, and 1986, such salary shall be increased by an additional six per cent.".

Mr. Sieck asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 15 ayes, 11 nays, and 23 not voting.

Mr. DeCamp requested a roll call vote of his amendment.

Voting in the affirmative, 20:

Barrett
Beyer
Chronister
Clark
Cullan
DeCamp
Fenger
Fitzgerald
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Kremer
Maresh
Peterson, H.
Peterson, R.
Rumery
Wagner
Warner

Voting in the negative, 24:

Beutler
Burrows
Carsten
Chambers
Cope
Fowler
Higgins
Hoagland
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Pirsch
Remmers
Stoney
Von Minden
Wesely
Wiitala

Present and not voting, 1:

Dworak

Excused and not voting, 4:

Goll
Schmit
Sieck
Vickers

The DeCamp-Goodrich amendment lost with 20 ayes, 24 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Messrs. Barrett, Kremer, H. Peterson, and Maresh asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Chambers offered the following amendment:

All salaries of Constitutional officers shall be 98% of the salary of the Governor - who shall receive a salary of $42,000 per year.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers amendment lost with 8 ayes, 23 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 488.

Mr. Haberman moved to suspend the rules, Rule 7, Section 3 to allow consideration of the motion to indefinitely postpone LB 488 today.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Haberman motion to suspend the rules prevailed with 30 ayes, 10 nays, 2 present and not voting, and 7 excused and not voting.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. Chambers requested a record vote on his motion.

Voting in the affirmative, 14:

Beutler
Burrows
Carsten
Chambers
Cope
Higgins
Kilgarin
Koch
Labedz
Nichol
Pirsch
Stoney
Wesely
Wiitala

Voting in the negative, 23:

Beyer
Chronister
Cullan
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Lamb
Landis
Marsh
Newell
Peterson, R.
Remmers
Rumery
Von Minden
Wagner
Warner

Present and not voting, 4:

Clark
DeCamp
Dworak
Marvel

Excused and not voting, 8:

Barrett
Fowler
Kremer
Maresh
Peterson, H.
Schmit
Sieck
Vickers

The Chambers motion to indefinitely postpone lost with 14 ayes, 23 nays, 4 present and not voting, and 8 excused and not voting.

Messrs. DeCamp and Goodrich offered the following amendment:
Strike the section of the bill increasing the salary for the Governor.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

The DeCamp-Goodrich amendment lost with 12 ayes, 26 nays, 3 present and not voting, and 8 excused and not voting.

Mr. Chambers offered the following amendment:
Amend Governor's salary to $65,000 per year - all constitutional officers to receive 95% of Governor's salary.

Mr. V. Johnson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 3:

Burrows
Chambers
Clark

Voting in the negative, 31:

Beyer
Carsten
Cope
Cullan
DeCamp
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Present and not voting, 6:

Beutler
Chronister
Dworak
Fenger
Johnson, L.
Marvel

Excused and not voting, 9:

Barrett
Fowler
Johnson, V.
Kremer
Maresh
Peterson, H.
Schmit
Sieck
Vickers

The Chambers amendment lost with 3 ayes, 31 nays, 6 present and not voting, and 9 excused and not voting.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 22 not voting.

Mr. Koch requested a record vote to advance the bill.

Voting in the affirmative, 27:

Beyer
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Kahle
Lamb
Landis
Marsh
Newell
Nichol
Peterson, R.
Remmers
Rumery
Stoney
Von Minden
Wagner
Warner

Voting in the negative, 11:

Beutler
Burrows
Carsten
Haberman
Higgins
Kilgarin
Koch
Labedz
Pirsch
Wesely
Wiitala

Present and not voting, 2:

Dworak
Marvel

Excused and not voting, 9:

Barrett
Fowler
Johnson, V.
Kremer
Maresh
Peterson, H.
Schmit
Sieck
Vickers

Advanced to E & R for Engrossment with 27 ayes, 11 nays, 2 present and not voting, and 9 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 189.

Introduced by Newell, 13th District; Wiitala, 31st District; Higgins, 9th District; V. Johnson, 8th District.

WHEREAS, the proposed North Freeway is currently in its final phase of land acquisition and will begin bid letting in the Fall of this year; and

WHEREAS, the Nebraska State Legislature will not have an opportunity to debate this important issue this year as the bill addressing it has been withdrawn from priority consideration by its introducer; and

WHEREAS, the North Freeway is a vital link in the economic development of that portion of the metropolitan community; and

WHEREAS, the North Freeway will be an integral part of the transportation system of North Omaha and the entire metropolitan area; and

WHEREAS, the people of North and Northwest Omaha have long waited for its completion; and

WHEREAS, any doubt on this issue can only serve to hamper this project's completion.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Department of Roads be urged to finalize the land acquisition, begin the bid letting, and speed the completion of the North Freeway in the most expeditious manner possible.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 243, 551, 552, 553, and 554.

(Signed) Karen Kilgarin, Chairperson

SELECT FILE

LEGISLATIVE BILL 321. E & R amendments found in the Journal on page 2149 for the Eighty-Fourth Day were adopted.

Mr. Koch offered the following amendment:

1. On page 30, line 5, strike "section 27 of this act" and insert "this section".

The amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 242. Mr. Nichol renewed his pending amendment found in the Journal on page 1759.

The amendment was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 494. E & R amendment found in the Journal on page 1771 for the Seventy-Fourth Day was adopted.

Mrs. Labedz renewed her pending amendment, Req. #2261, found in the Journal on page 1302.

Mrs. Labedz requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Burrows
Chambers
Chronister
Cullan
DeCamp
Fitzgerald
Fowler
Higgins
Hoagland
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Rumery
Wesely
Wiitala

Voting in the negative, 8:

Carsten
Clark
Cope
Johnson, L.
Pirsch
Remmers
Stoney
Warner

Present and not voting, 13:

Beutler
Beyer
Dworak
Fenger
Goll
Goodrich
Haberman
Lamb
Marvel
Nichol
Peterson, R.
Von Minden
Wagner

Excused and not voting, 8:

Barrett
Johnson, V.
Kremer
Maresh
Peterson, H.
Schmit
Sieck
Vickers

Absent and not voting, 1:

Hefner

The Labedz amendment lost with 19 ayes, 8 nays, 13 present and not voting, 8 excused and not voting, and 1 absent and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 302. E & R amendments found in the Journal on page 1772 for the Seventy-Fourth Day were adopted.

Mr. Wagner asked unanimous consent to withdraw his pending amendments found in the Journal on pages 1876 and 1908. No objections. So ordered.

Mr. Wagner renewed his pending amendment found in the Journal on page 2009.

The amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 285. E & R amendment found in the Journal on page 1773 for the Seventy-Fourth Day was adopted.

Mr. Lamb renewed his pending amendment, Req. #2375, found in the Journal on page 1769.

The amendment was adopted with 25 ayes, 6 nays, 9 present and not voting, and 9 excused and not voting.

Mr. Von Minden asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Fowler offered the following amendment:
Req. #2174

1. Insert a new section as follows:

"Sec. .... That section 39-6,177, Revised Statutes Supplement, 1980, be amended to read as follows:

39-6,177. No vehicle shall exceed a total outside width, including any load thereon, of eight feet except that such prohibition shall not apply to (1) a vehicle with a load of pulpwood in movement during daylight hours when such maximum width shall be one hundred inches and the load is bound with at least two separate iron chains or cables comprised of material not less than one half inch in thickness or diameter attached to the front and rear of the loading platform and frame of the vehicle so as to hold the load securely in place, (2) farm equipment in temporary movement during daylight hours, or during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with, in the normal course of farm operations, (3) combines or vehicles used in transporting combines, to be engaged in harvesting within or without the state, moving into or through the state during daylight hours when the overall width does not exceed fifteen feet, (4) farm equipment dealers hauling, driving, delivering, or picking up farm equipment or implements of husbandry during daylight hours, (5) alfalfa harvesting machinery in temporary movement during daylight hours and hours of darkness when (a) the clearance light requirements of section 39-6,127 are fully complied with, (b) there is, on the front vehicle and above the line of the regular lights of such vehicle, a flashing, amber-colored light at least four inches in diameter and clearly visible to traffic approaching from any direction, and (c) there is a well-lighted pilot vehicle or flagman at least three hundred feet in advance of such vehicles to give warning of the approach of over-width equipment, and such prohibition shall not apply to equipment of thirteen feet or less in width to be used in highway or other public construction or in agricultural land treatment in temporary movement during daylight hours on roads other than dustless-surfaced state highways and for necessary access to points on such highways, (6) livestock forage vehicles loaded or unloaded that comply with subsection (2) of section 39-6,100; Provided, that no vehicle which shall exceed a total outside width, including any load thereon, of eight feet shall be permitted upon any portion of the National System of Interstate and Defense Highways, except intercity buses upon designated segments as hereinafter provided in this section, (7) vehicles hauling baled livestock forage which, including the load thereon, may be twelve feet in width, (8) a rubber tired crane with a fixed load when (a) such vehicle will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city, (b) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads, (c) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (d) such vehicle's gross weight does not exceed eighty-five thousand pounds, if a four-axle crane, or sixty-seven thousand pounds, if a three-axle crane, and (e) if a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-two thousand five hundred pounds, (9) intercity buses which may be one hundred two inches in width plus additional width for safety devices when operated on certain highways designated by the Director-State Engineer for such operation, ~~or~~ (10) buses operated by a city or village and engaged in the transportation of passengers which may be one hundred two inches in width plus an additional width for safety devices, or (11) mobile homes not exceeding sixteen feet in width moving during daylight hours. The Director-State Engineer, with respect to highways under his or her jurisdiction, may designate certain highways for the operation of such intercity buses upon the following conditions:

(a) Highways designated by the Director-State Engineer shall be limited to the National System of Interstate and Defense Highways and four-lane and six-lane highways, except that other highways that are not part of the National System of Interstate and Defense Highways may be so designated for the sole purpose of directly connecting disconnected segments of the National System of Interstate and Defense Highways and four-lane and six-lane highways; Provided, that on two-lane highways so designated for connection each traffic lane shall not be less than ten feet in width; and

(b) No highways shall be so designated by the Director-State Engineer under the provisions of subdivision (10) (a) of this section prior to the time when intercity buses of such width are permitted on the National System of Interstate and Defense Highways.''.

Mr. Haberman moved the previous question. The question is, ''Shall the debate now close?'' The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Fowler amendment was adopted with 28 ayes, 2 nays, 10 present and not voting, and 9 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Warner offered the following amendment:
Req. #2457

1. Insert new sections as follows:

''Sec. 2. That subdivision (51) of section 39-602, Revised Statutes Supplement, 1980, be amended to read as follows:

(51) Minibike shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen inches, or an engine-rated capacity of less than forty-five cubic centimeters displacement, ~~or a seat height less than twenty-five inches from the ground,~~ or any other two-wheel motor vehicle primarily designed by the manufacturer thereof for off-road use only. Minibikes, their owners and their operators, shall be exempt from the requirements of Chapter 60, articles 1, 3, 4, 5, and 17;

Sec. 5. That subdivision (27) of section 60-301, Revised Statutes Supplement, 1980, be amended to read as follows:

(27) Minibike shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen inches, or an engine-rated capacity of less than forty-five cubic centimeters displacement. ~~, or a seat height less than twenty-five inches from the ground.~~

Sec. 6. That section 60-2101.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2101.01. As used in this act, unless the context otherwise requires: A minibike shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen inches, or an engine rated capacity of less than forty-five cubic centimeters displacement, ~~or a seat height less than twenty-five inches from the ground~~ or any other two-wheel motor vehicle primarily designed by the manufacturer thereof for off-road use only. Minibikes, their owners, and their operators shall be exempt from the requirements of Chapter 60, articles 1, 3, 4, 5, and 17.".

2. In the committee amendments in line 3, strike "3" and insert "4"; in line 19 strike "4" and insert "7"; in line 20 strike "and 39-1315.01" and insert ", 39-1315.01, and 60-2101.01"; and in line 21 before "are" insert "and subdivision (51) of section 39-602 and subdivision (27) of section 60-301, Revised Statutes Supplement, 1980,".

3. Renumber original section 2 as section 3.

The amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Remmers offered the following amendment:
Req. #2395

1. Insert the following new section:

"Sec. 4. That section 39-6,177, Revised Statutes Supplement, 1980, be amended to read as follows:

39-6,177. No vehicle shall exceed a total outside width, including any load thereon, of eight feet except that such prohibition shall not apply to (1) a vehicle with a load of pulpwood in movement during daylight hours when such maximum width shall be one hundred inches and the load is bound with at least two separate iron chains or cables comprised of material not less than one half inch in thickness or diameter attached to the front and rear of the loading platform and frame of the vehicle so as to hold the load securely in place, (2) farm equipment in temporary movement during daylight hours, or during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with, in the normal course of farm operations, (3) combines or vehicles used in transporting combines, to be engaged in harvesting within or without the state, moving into or through the state during daylight hours, when the overall width does not exceed fifteen feet, (4) farm equipment dealers hauling, driving, delivering, or picking up farm equipment, including portable livestock buildings not exceeding fourteen feet in width, or implements of husbandry during daylight hours, (5) alfalfa harvesting machinery in temporary movement during daylight hours and hours of darkness when (a) the clearance light requirements of section 39-6,127 are fully complied with, (b) there is, on the front vehicle and above the line of the regular lights of such vehicle, a flashing, amber-colored light at least four inches in diameter and clearly visible to traffic approaching from any direction, and (c) there is a well-lighted pilot vehicle or flagman at least three hundred feet in advance of such vehicles to give warning of the approach of over-width equipment, and such prohibition shall not apply to equipment of thirteen feet or less in width to be used in highway or other public construction or in agricultural land treatment in temporary movement during daylight hours on roads other than dustless-surfaced state highways and for necessary access to points on such highways, (6) livestock forage vehicles loaded or unloaded that comply with subsection (2) of section 39-6,100; Provided, that no vehicle which shall exceed a total outside width, including any load thereon, of eight feet shall be permitted upon any portion of the National System of Interstate and Defense Highways, except intercity buses upon designated segments as hereinafter provided in this section, (7) vehicles hauling baled livestock forage which, including the load thereon, may be twelve feet in width, (8) a rubber tired crane with a fixed load when (a) such vehicle will be transported on a state highway, excluding any portion of the National

System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city, (b) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads, (c) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (d) such vehicle's gross weight does not exceed eighty-five thousand pounds, if a four-axle crane, or sixty-seven thousand pounds, if a three-axle crane, and (e) if a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-two thousand five hundred pounds, (9) intercity buses which may be one hundred two inches in width plus additional width for safety devices when operated on certain highways designated by the Director-State Engineer for such operation, or (10) mobile homes not exceeding sixteen feet in width moving during daylight hours. The Director-State Engineer, with respect to highways under his or her jurisdiction, may designate certain highways for the operation of such intercity buses upon the following conditions:

(a) Highways designated by the Director-State Engineer shall be limited to the National System of Interstate and Defense Highways and four-lane and six-lane highways, except that other highways that are not part of the National System of Interstate and Defense Highways may be so designated for the sole purpose of directly connecting disconnected segments of the National System of Interstate and Defense Highways and four-lane and six-lane highways; Provided, that on two-lane highways so designated for connection each traffic lane shall not be less than ten feet in width; and

(b) No highways shall be so designated by the Director-State Engineer under the provisions of subdivison (10) (a) of this section prior to the time when intercity buses of such width are permitted on the National System of Interstate and Defense Highways.".

2. On page 4, line 15, after "1943," insert "and section 39-6,177, Revised Statutes Supplement, 1980,".

3. Renumber remaining sections accordingly.

4. In the title, in line 3 after "1943," insert

“and section 39-6,177, Revised Statutes Supplement, 1980,” and strike “state”; in line 4 after “highways” insert “and roads”; and in line 7 after the semicolon insert “to change provisions relating to the movement of certain equipment as prescribed;”.

The amendment was adopted with 26 ayes, 6 nays, 7 present and not voting, and 10 excused and not voting.

Mr. Cullan offered the following amendment:

Req. #2453

1. Insert a new section to read:

“Sec. 4. That section 39-6,181, Revised Statutes Supplement, 1980, be amended to read as follows:

39-6,181. (1) The Department of Roads or the Nebraska State Patrol with respect to highways under their jurisdiction including the National System of Interstate and Defense Highways, and county authorities with respect to highways under their jurisdiction may in their discretion upon application and good cause being shown therefor, issue a special permit in writing authorizing the applicant (a) to operate or move a vehicle, a combination of vehicles or objects of a size or weight of vehicle or load exceeding the maximum specified by law when such permit is necessary to further the national defense or the general welfare, (b) to permit movement of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment, or is necessary because of an emergency, an unusual circumstance, or a very special situation, (c) to operate vehicles loaded up to twenty-five per cent greater than the maximum gross weight specified by law, or up to ten per cent greater than the maximum length specified by law, or both, when carrying grain or other seasonally harvested products from the field where they are harvested ~~or assembled in the field~~ to storage, ~~or~~ market, or stockpile in the field, or from storage or stockpile to market or factory when failure to move in abundant quantities would cause an economic loss to the person or persons whose product or products are being transported or when failure to move such product or products in as large quantities as possible would not be in the best interests of the national defense or general welfare, or (d) to operate a vehicle or vehicles loaded at a weight twenty-five per cent greater than the maximum weight specified by law, when carrying garbage or refuse during and including the days of April 15 to July 1 of each year; Provided, no permit shall be issued under subdivisions (a) and (b) of this subsection for a vehicle carrying a load unless such vehicle is loaded with an object which exceeds the size or weight limitations and which object cannot be dismantled or reduced in size or weight without great difficulty and which of necessity must be moved over the highways to reach its intended destination; and provided further, no permit shall be required for the temporary movement on roads other than dustless-surfaced state highways and for necessary access to points on such highways during daylight hours of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment where such temporary movement is necessary and for a reasonable distance.

(2) The application for any such permit shall specifically describe the vehicle and the load to be operated or moved and whenever possible the particular highways, roads, or streets for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

(3) The department or county authority is authorized to issue or withhold such permit at its discretion; or, if such permit is issued, to limit the number of days during which the permit is valid, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or to issue a continuing permit for use only on highways other than the National System of Interstate and Defense Highways to (a) a manufacturer or its carrier covering all similar vehicles or products produced by such manufacturer, or (b) the owner of vehicles described in subdivision (1) (c) of this section, subject to reasonable conditions as to periodic renewal of such permit and as to operation or movement of such vehicles, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or structures or undue danger to the public safety, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(4) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit. Each such permit shall state the maximum weight permissible on a single axle or combination of axles and the total gross weight allowed. No person shall violate any of the terms or conditions of such special permit and in case of any violation, the permit shall be deemed automatically revoked and the penalty of the original limitations shall

be applied unless the violation consists solely of exceeding the size or weight specified by the permit, in which case only the penalty of the original size or weight limitation exceeded shall be applied, or unless the total gross load is within the maximum authorized by the permit and no axle is more than ten per cent in excess of the maximum load for such axle or group of axles authorized by the permit and such load can be shifted to meet the weight limitations of wheel and axle loads authorized by such permit. Such shift may be made without penalty provided that such shift is made at the state or commercial scale designated in the permit. The vehicle may travel from its point of origin to such designated scale without penalty, and a scale ticket from such scale, showing the vehicle to be property loaded and within the gross and axle weights authorized by the permit, shall be reasonable evidence of compliance with the terms of the permit.

(5) The department or county authority issuing a permit as provided in this section may promulgate rules and regulations with respect to the issuance of permits provided for in this section.

(6) The department or county authority issuing a permit may require a permit fee of not to exceed ten dollars; Provided, that the fee for a continuing permit may not exceed twenty-five dollars for a ninety-day period, fifty dollars for a one hundred eighty-day period, or one hundred dollars for a one-year period. A vehicle or combination of vehicles for which an application for a permit is requested pursuant to this section shall be registered under section 60-305.09 or 60-331, for the maximum gross vehicle weight that is permitted pursuant to section 39-6,180, before a permit shall be issued.".

2. In the Standing Committee amendment, in line 19 strike "4" and insert "5"; and in line 21 before "are" insert "and section 39-6,181, Revised Statutes Supplement, 1980,".

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

The Cullan amendment was adopted with 26 ayes, 9 nays, 5 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 324. Mr. Landis moved to withdraw.

Laid over.

LEGISLATIVE BILL 544. E & R amendment found in the Journal on page 1811 for the Seventy-Sixth Day was adopted.

Mr. Warner offered the following amendment:
Req. #2295

1. Insert the following new section:

"Section 1. That section 2-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-101. There shall be held ~~at the capitol of the state,~~ on the fourth Tuesday in January of each year, a meeting of the State Board of Agriculture, together with the president of each county society, or delegate therefrom duly authorized, who shall for the time being be ex officio members of the State Board of Agriculture, for the purpose of deliberating and consulting as to the wants, prospects, and conditions of the agricultural interests throughout the state. Such meeting shall be held in every odd-numbered year at the capital of the state, and in every even-numbered year at such location as the board may determine. At such annual meeting the several reports from the subordinate societies shall be delivered to the president of the state board. The president and delegates shall at this meeting elect suitable persons to fill all vacancies in the state board. The president shall also have the power to call meetings of the board whenever he or she may deem it expedient. The state fair shall be held at or near the city of Lincoln, in Lancaster County, under the direction and supervision of the State Board of Agriculture, upon the site and tract of land, selected and now owned by the state for that purpose and known as the state fairgrounds. The board may, at its discretion, hold or dispense with the holding of the fair, in any year.".

2. On page 2, line 20, strike "section" and insert "sections 2-101 and"; and in line 21 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 3, respectively.

The amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Lamb renewed the pending Vickers amendment found in the Journal on page 2116.

The amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Wesely renewed the pending Kremer amendment found in the Journal on page 2137.

Messrs. Newell, Wiitala, and Mrs. Pirsch asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Cullan requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment not germane.

Mr. Wesely moved to overrule the Chair.

Mr. Wesely requested a roll call vote on his motion.

Voting in the affirmative, 15:

Burrows
Chronister
Cope
Cullan
DeCamp
Dworak
Fitzgerald
Fowler
Hoagland
Kilgarin
Lamb
Marsh
Peterson, R.
Remmers
Wesely

Voting in the negative, 18:

Beutler
Beyer
Carsten
Chambers
Clark
Fenger
Goll
Goodrich
Haberman
Johnson, L.
Kahle
Koch
Landis
Marvel
Rumery
Stoney
Wagner
Warner

Present and not voting, 1:

Nichol

Excused and not voting, 14:

Barrett
Higgins
Johnson, V.
Kremer
Labedz
Maresh
Newell
Peterson, H.
Pirsch
Schmit
Sieck
Vickers
Von Minden
Wiitala

Absent and not voting, 1:

Hefner

The Wesely motion lost with 15 ayes, 18 nays, 1 present and not voting, 14 excused and not voting, and 1 absent and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 344. E & R amendment found in the Journal on page 1816 for the Seventy-Sixth Day was adopted.

Messrs. Landis and Koch offered the following amendment:

1. Strike Standing Committee amendment 1 on page 1388 of the Journal.

The amendment was adopted with 26 ayes, 1 nay, 8 present and not voting, and 14 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 172. E & R amendment found in the Journal on page 1816 for the Seventy-Sixth Day was adopted.

Mr. Fenger asked unanimous consent to withdraw his pending amendment, Req. #2248, found in the Journal on page 1351. No objections. So ordered.

Mr. Carsten renewed his pending amendment found in the Journal on page 1771.

The amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 411. Mr. Landis renewed the Sieck pending amendment found in the Journal on page 1982.

The Sieck amendment was adopted with 26 ayes, 1 nay, 8 present and not voting, and 14 excused and not voting.

Advanced to E & R for Re-Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 216, 320, 352, and 406.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 320

The following changes, required to be reported for publication in the Journal, have been made:

All amendatory matter having been removed, original section 3 has been stricken and reference thereto has been removed from the repeal section and the title; and following sections renumbered accordingly.

Enrollment and Review Changes to LB 352

The following changes, required to be reported for publication in the Journal, have been made:

1. Section 1 in the Beutler amendments has been renumbered as section 3.
2. In the Koch amendments, page 1, line 3, "Receipts" has been stricken and "For purposes of sections 77-3412 to 77-3431, receipts" inserted.
3. Repeal sections have been stricken and the following inserted: "Sec. 4. That original sections 77-3421 and 77-3424, Revised Statutes Supplement, 1980, are repealed.".
4. In the title, line 2 has been stricken and the following has been inserted: "FOR AN ACT to amend sections 77-3421 and 77-3424," inserted; in line 4 "to define a term; to redefine a term; to expand an exception; and to repeal the original sections" has been inserted after "limitations".
5. E & R amendment to line 3 of the title has been stricken.

Enrollment and Review Changes to LB 406

The following changes, required to be reported for publication in the Journal, have been made:

1. In the third Hefner amendment of May 22, page 1, line 19, "precincts" and insert "townships".
2. In the Wagner amendment of 5/26, page 1, line 4, strike "precinct" and insert "township".

3. On page 6, line 5, "the" has been inserted after "to" and in line 6 "the" has been inserted after "along".

4. On page 15, line 24, "and" has been stricken; and in line 25, "precincts" has been stricken.

(Signed) Emory P. Burnett
E & R Attorney

VISITORS

Visitors to the Chamber were Roy and Ruth Borchers, Mr. and Mrs. Tom Borchers, and Mr. and Mrs. Gary Wischbaum.

ADJOURNMENT

At 8:18 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m., Wednesday, May 27, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-EIGHTH DAY - MAY 27, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE FIRST SESSION

EIGHTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 27, 1981

Pursuant to adjournment, the Legislature met at 9:05 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Senator DeCamp.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Haberman, V. Johnson, Stoney, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Seventh Day was approved.

SELECT FILE

LEGISLATIVE BILL 324. Mr. Landis renewed his motion to withdraw.

The motion prevailed with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 487. E & R amendments found in the Journal on page 1810 for the Seventy-Sixth Day were adopted.

Mr. Schmit renewed his pending amendment, Req. #2401, printed separate from the Journal and referred to on page 1997.

Mr. Wesely offered the following amendment to the Schmit amendment:

(Amendments to Req. 2401)

Req. #2417

1. On page 2, line 15, strike the underscored semicolon and insert an underscored comma; and in line 16 after "J" insert an underscored comma.

2. On page 3, line 7, and page 4, line 19, strike "Chapter" and insert "Title".

3. On page 5, line 24, strike "within the" and insert an underscored semicolon; and strike line 25.

4. On page 7, strike lines 10 through 13 and insert the following new subsection:

"(7) Persons whose primary food-related business activity is determined by the department to be egg handling within the meaning of sections 2-3501 to 2-3525 and who are validly licensed and paying fees pursuant to such sections, shall be exempt from the permit and inspection fee requirements of this act.".

5. On page 9, line 21, after "act" insert "if such holders pay license or inspection fees to the political subdivisions performing the inspections".

6. On page 13, line 6, after "person" insert "engaged in the sale, merchandising, or distribution of food".

7. Insert the following new sections:

"Sec. 48. That section 2-3517, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3517. (1) The provisions of sections 2-3501 to 2-3525 shall not apply to the sale of eggs by any producer with an annual egg production from a flock of three thousand hens or less.

(2) The provisions of section 2-3512 shall not apply to any person exempt from the comparable provisions of the Egg Products Inspection Act and the regulations thereunder, by virtue of the provisions of 7 CFR 59.100.

(3) The license and inspection fee requirements of section 2-3520 shall not apply to egg handlers whose primary food-related business activity is not egg handling, but is one for which a permit is held pursuant to sections 5 to 41 of this act.

Sec. 49. That section 2-3520, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3520. There shall be paid to the department an annual license fee of two dollars and fifty cents and an inspection fee based on volume, as follows:

(1) Retailers:

(a) Not more than ten thirty-dozen cases annual average per week, the sum of five dollars;

(b) More than ten thirty-dozen cases, but not more than twenty-five such cases annual average per week, the sum of seven dollars and fifty cents; and

(c) More than twenty-five thirty-dozen cases annual average per week, the sum of ten dollars; and

(2) Egg handlers:

(a) Not more than ten thirty-dozen cases annual average per week, the sum of five dollars;

(b) More than ten thirty-dozen cases but not more than two hundred such cases annual average per week, the sum of twenty-five dollars;

(c) More than two hundred thirty-dozen cases but not more than five hundred such cases annual average per week, the sum of fifty dollars;

(d) More than five hundred thirty-dozen cases but not more than one thousand such cases annual average per week, the sum of seventy-five dollars;

(e) More than one thousand thirty-dozen cases but not more than fifteen hundred such cases annual average per week, the sum of one hundred dollars;

(f) More than fifteen hundred thirty-dozen cases but not more than two thousand such cases annual average per week, the sum of one hundred twenty-five dollars;

(g) More than two thousand thirty-dozen cases but not more then twenty-five hundred such cases annual average per week, the sum of one hundred fifty dollars; and

(h) More than twenty-five hundred thirty-dozen cases annual average per week, the sum of two hundred dollars.

All licenses in effect on the operative date of this section and any licenses issued following the operative date of this section and before July 31, 1982, shall expire on July 31, 1982. All licenses issued on and after August 1, 1982, shall expire on July 31 of the year following issuance.".

8. On page 34, line 2, strike "51" and insert "53"; and in line 11 after "sections" insert "2-3517, 2-3520,".

9. On page 35, line 5, strike "50" and insert "52".

10. Renumber sections 48 to 53 as sections 50 to 55, respectively.

The amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

The Schmit amendment, as amended, was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Messrs. Wesely and V. Johnson offered the following amendment:
Req. # 2430

1. On page 17, line 1, strike "custodial foster homes", show as stricken, and insert "domiciliary facilities".

2. On page 20, line 6, strike "which cares for", show as stricken, and insert "devoted to the care of"; and in line 9 strike "operates", show as stricken, and insert "is operated".

3. On page 21, strike beginning with the first comma in line 4 through "consanquinity" in line 13, show as stricken, and and insert "or facility, or a distinct part of any institution of facility, which is primarily devoted to providing to inpatients skilled nursing care and related services for patients who require medical or nursing care or rehabilitation services for the rehabilitation of injured, disabled, or sick persons"; in line 16 strike "providing", show as stricken, and insert "in which"; in line 18 after "services" insert "are provided"; in line 25 before "which" insert "in"; and in line 26 strike "provides", show as stricken, and insert "there are provided".

4. On page 22, line 7, strike "Custodial foster home", show as stricken, and insert "Residential care facility"; in line 8 after "place," insert "or", and strike ", or agency" and show as stricken; and in line 9 strike "providing", show as stricken, and insert "in which there is provided".

5. In the committee amendments (Req. No. 2126), on page 5, line 10, strike "lines 6 and 9" and insert "line 6"; in line 23, strike "Residential care" and insert "Domiciliary"; in line 24 strike "providing" and insert "in which there are provided"; and in line 26 strike ", board, and care" and insert "and supervision".

6. In the committee amendments (Req. No. 2126), on page 6, line 3, after "supervision" insert ", including supervision of nutrition,"; and in line 4 after "basis" insert ", but not necessarily on a consecutive twenty-four hour basis".

7. On page 23, lines 18 and 27, strike "provides", show as stricken, and insert "is used to provide".

8. On page 24, line 14, strike "provides", show a stricken, and insert "is used to provide"; in lines 22 and 24 before "which" insert "in"; in line 22 strike "does not provide", show as stricken, and insert "there are not provided"; in line 24 strike "does not provide", show as stricken, and insert "there is not provided"; and in line 26 strike "providing", show as stricken, and insert "in which there are provided".

9. On page 25, line 9, strike "provides", show as stricken, and insert "is used to provide"; in lines 18 and 20 before "which" insert "in"; in line 18 strike "does not provide", show as stricken, and insert "there are not provided"; in lines 20 and 21 strike "does not provide", show as stricken, and insert "there is not provided"; and in line 22 strike "providing", show as stricken, and insert "in which there are provided".

10. On page 26, line 10, strike "custodial foster home", show as stricken, and insert "domiciliary facility".

11. Insert a new section as follows:

"Sec. 16. That section 71-2018, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2018. No institution or facility (1) which maintains and operates facilities for the care or supervision of two or more nonrelated persons suffering from illness, injury, infirmity, or deformity, or (2) where obstetrical or other care is rendered over a period exceeding twenty-four hours, or (3) where day care is provided as an organized program in mental health centers or for adults in intermediate care facilities two or ~~custodial foster homes~~ residential care facilities, or (4) which is mentioned in subdivision (1) of section 71-2017 shall be established, conducted, or maintained in the State of Nebraska without first obtaining a license therefor from the Department of Health in the manner provided in sections 71-2017 to 71-2029. Facilities licensed under Chapter 71, article 19 need not be licensed under Chapter 71, article 20.".

12. On page 27, line 18, strike "and 71-2017.02" and insert "71-2017.02, and 71-2018".

13. In the committee amendments (Req. No. 2126), on page 7, line 12, strike "16" and insert "17".

The amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Wesely offered the following amendment:
Req. #2455

1. Insert new sections as follows:

"Sec. 16. For the purposes of sections 16 to 24 of this act, a boarding home shall mean any facility, place, or building in which is provided for a period exceeding twenty-four consecutive hours to four or more individuals, not related to the owner, occupant, manager, or administrator thereof, who are essentially capable of managing their own affairs, the following: (1) Sleeping and other living accommodations; (2) a dining room, cafe, or common kitchen for the use of the individuals in connection therewith; and (3) domestic services, requested by the quest to assist such quest in daily living activities. Boarding home shall not include hotels, motels, or homes operated by religious or fraternal organizations.

Sec. 17. Boarding homes shall be subject to inspection and licensure by the Department of Health. Such inspection and licensure shall be limited to standards for sanitation, fire prevention, safety, and building and construction codes applicable to and consistent with reasonable community standards for multiple family dwellings.

Sec. 18. Applicants for license shall file applications under oath with the Department of Health upon forms prescribed and shall pay a license fee of twenty-five dollars as a base fee and in addition thereto, a fee of one dollar for each bed available for quests thereof, except that the total fee for beds available shall not exceed one hundred dollars. Such fee shall be paid into the state treasury and by the State Treasurer credited to the General Fund, or if the license is denied that part of the fees paid for beds available shall be returned to the applicant. Applications shall be signed (1) by the owner, if an individual or partnership, (2) by two of its officers, if a corporation, or (3) by the head of the governmental department having jurisdiction over it, if a governmental unit. Applications shall set forth the full name and address of the boarding home for which license is sought, and of the owner in case of different address, the names of the persons in control thereof, and such additional information as the Department of Health may require, including affirmative evidence of ability to comply with such reasonable standards, rules, and regulations as may be lawfully prescribed hereunder.

Sec. 19. Licenses issued under sections 16 to 24 of this act shall expire one year after date of issuance, or upon such uniform dates annually as the Department of Health may prescribe by regulation. Licenses shall be issued only for the premises and persons named in the application, shall not be transferable or assignable, and shall be posted in a conspicuous place on the licensed premises.

Sec. 20. The Department of Health shall make or cause to be made such inspections as it may prescribe by regulation. The Department of Health may prescribe that any licensee or prospective applicant desiring to make specified types of alteration or addition to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the Department of Health for inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

Sec. 21. The Department of Health shall issue licenses for the operation of boarding homes subject to sections 16 to 24 of this act which are found to comply with the provisions of sections 16 to 24 of this act and such regulations as are lawfully promulgated by the department. The Department of Health shall deny, suspend, or revoke licenses on any of the following grounds:

(1) Violation of any of the provisions of sections 16 to 24 of this act or the rules and regulations lawfully promulgated pursuant thereto;

(2) Permitting, aiding, or abetting the commission of any unlawful act; or

(3) Conduct or practices detrimental to the health or safety of patients and employees of the boarding home, except that this provision shall not be construed to have any reference to healing practices authorized by law.

Should the department determine to deny, suspend, or revoke a license, it shall send to the applicant or licensee, by either registered or certified mail, a notice setting forth the particular reasons for the determination. The denial, suspension, or revocation shall become final thirty days after the mailing of the notice, unless the applicant or licensee, within such thirty-day period, shall give written notice of desire for hearing. Thereupon the applicant or licensee shall be given a fair hearing before the Department of Health and shall have the right to present such evidence as may be proper. On the basis of such evidence the determination involved shall be affirmed or set aside, and a copy of such decision setting forth the finding of facts and the particular reasons upon which it is based shall be sent by either registered or certified mail to the applicant or licensee. The decision shall become final thirty days after a copy thereof is mailed, unless the applicant or licensee within such thirty-day period appeals the decision under section 22 of this act. The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the department. A full and complete record shall be kept of all proceedings. Witnesses may be subpoenaed by either party and shall be allowed fees at a rate prescribed by the rules prescribed by the department.

Sec. 22. Any applicant or licensee, who is dissatisfied with the decision of the Department of Health as a result of the hearing provided in section 21 of this act may, after receiving a copy of the decision, appeal to the district court of Lancaster County at any time within thirty days after the mailing of such copy of the order. The filing of a notice in writing of the intention to take such an appeal, with the Director of the Department of Health within such time shall be sufficient notice to the adverse party of the intention to appeal. A duly certified transcript of all pleadings, upon which the cause was tried before the department, shall be filed in the office of the clerk of such district court, which shall complete the appeal. The trial in the district court upon such appeal shall be de novo and be upon the issues joined before the Director of the Department of Health, except as the district court may allow amendments thereto in accordance with the usual rules of pleading in that court.

Sec. 23. Any person, partnership, association, or corporation (1) establishing, conducting, managing, or operating any institution within the meaning of sections 16 to 24 of this act without first obtaining a license therefor as herein provided, or (2) violating any of the provisions of sections 16 to 24 of this act or regulations lawfully promulgated thereunder, shall be guilty of a Class IV misdemeanor, and each day such facility as defined in section 16 of this act shall operate after a first conviction shall be considered a separate offense.

Sec. 24. The Department of Health may, in accordance with the laws of the state governing injunctions and other process, maintain an action in the name of the state against any person, partnership, association, or corporation; or against any state, county or local governmental unit, or any division, department, board or agency thereof, for establishing, conducting, managing or operating any hospital or related institution within the meaning of section 16 of this act without first having a license therefor as herein provided. In charging any defendant in a complaint in such action, it shall be sufficient to charge that such defendant did, upon a certain day and in a certain county, establish, conduct, manage, or operate a hospital or related institution without having a license to do so without averring any further or more particular facts concerning the same.".

2. In the standing committee amendments on page 7, line 5, strike "'22' and insert '15'" and insert "'section 22' and insert 'sections 16 to 24'".

3. Renumber original section 24 as section 25.

4. Strike E and R amendment 4.

The amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

Messrs. Marvel and Lamb asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 487A. Mr. Wesely offered the following amendment:

Req. #2450

1. Insert new sections to read:

"Sec. 2. That section 6, Legislative Bill 559, Eighty-seventh Legislature, First Session, 1981, be amended to read as follows:

Sec. 6. Agency No. 18 -- Department of Agriculture

(1) Program No. 027 - Departmental Administration

GENERAL FUND	629,536
CASH FUND	~~61,700~~
	11,700
FEDERAL FUND est.	2,500
PROGRAM TOTAL	~~693,736~~
	643,736

Total expenditures for permanent and temporary salaries and per diems shall not exceed $303,086, which shall be the basis for 1982-83 continuation funding.

~~There is included in the appropriation to this program $50,000 cash funds for expansion of the department's export marketing program. It is the intent of the Legislature that the various commodity check off programs under the Department of Agriculture allocate funds to the department to assist in expanding Nebraska's export marketing program.~~

(2) Program No. 056 - Weights and Measures

GENERAL FUND	319,176
CASH FUND	236,858
PROGRAM TOTAL	556,034

Total expenditures for permanent and temporary salaries and per diems shall not exceed $319,506, which shall be the basis for 1982-83 continuation funding.

(3) Program NO. 057 - Enforcement of Standards - Dairy, Foods, and Drugs

GENERAL FUND	~~535,739~~
	315,994
CASH FUND	~~218,440~~
	438,185

FEDERAL FUND est.	52,079
PROGRAM TOTAL	806,258

Total expenditures for permanent and temporary salaries and per diems shall not exceed $483,165, which shall be the basis for 1982-83 continuation funding.

(4) Program No. 061 - Agricultural Laboratories

GENERAL FUND	~~536,054~~ 506,899
CASH FUND	~~185,557~~ 214,712
FEDERAL FUND est.	32,525
PROGRAM TOTAL	754,136

Total expenditures for permanent and temporary salaries and per diems shall not exceed $512,072, which shall be the basis for 1982-83 continuation funding.

(5) Program No. 063 - Enforcement of Standards - Animal Industry

GENERAL FUND	~~830,699~~ 870,699
CASH FUND	641,690
FEDERAL FUND est.	112,467
PROGRAM TOTAL	~~1,584,856~~ 1,624,856

There is included in the General Fund appropriation to this program $40,000 to be expended for the hiring of two pseudorabies inspectors and for no other purpose.

Total expenditures for permanent and temporary salaries and per diems shall not exceed ~~$587,016~~ $622,016, which shall be the basis for 1982-83 continuation funding.

(6) Program No. 333 - Conservation - Plant Industry

GENERAL FUND	381,315
CASH FUND	246,146
FEDERAL FUND est.	64,106
PROGRAM TOTAL	691,567

Total expenditures for permanent and temporary salaries and per diems shall not exceed $444,292, which shall be the basis for 1982-83 continuation funding.

The unexpended General Fund balance existing on June 30, 1981, for Program 333 is hereby reappropriated in an amount not to exceed $770,000 which amount is in addition to the amount shown.

(7) Program No. 380 - Soybean Development

CASH FUND	319,625
PROGRAM TOTAL	319,625

Total expenditures for permanent and temporary salaries and per diems shall not exceed $38,587, which shall be the basis for 1982-83 continuation funding.

~~(8) Program No. 381 Research Wheat Development~~

~~CASH FUND~~	~~531,946~~
~~PROGRAM TOTAL~~	~~531,946~~

~~Total expenditures for permanent and temporary salaries and per diems shall not exceed $82,706, which shall be the basis for 1982-83 continuation funding.~~

~~(9)~~ (8) Program No. 382 - Potato Market Development and Research

CASH FUND	26,762
PROGRAM TOTAL	26,762

Total expenditures for permanent and temporary salaries and per diems shall not exceed $10,677, which shall be the basis for 1982-83 continuation funding.

~~(10)~~ (9) Program No. 384 - Corn Development

CASH FUND	707,856
PROGRAM TOTAL	707,856

Total expenditures for permanent and temporary salaries and per diems shall not exceed $64,881, which shall be the basis for 1982-83 continuation funding.

~~(11)~~ (10) Program No. 385 - Research - Agricultural Statistics

GENERAL FUND	109,996
REVOLVING FUND	61,033
PROGRAM TOTAL	171,029

Total expenditures for permanent and temporary salaries and per diems shall not exceed $88,060, which shall be the basis for 1982-83 continuation funding.

~~(12)~~ (11) Program No. 387 - Poultry and Egg Development, Utilization, and Marketing Committee

CASH FUND	86,284
PROGRAM TOTAL	86,284

Total expenditures for permanent and temporary salaries and per diems shall not exceed $39,164, which shall be the basis for 1982-83 continuation funding.

~~(13)~~ (12) Program No. 564 - Training of Rural Youth

FEDERAL FUND est.	227,978
PROGRAM TOTAL	227,978

Total expenditures for permanent and temporary salaries and per diems shall not exceed $87,275, which shall be the basis for 1982-83 continuation funding.

~~(14)~~ (13) Program No. 587 - Comprehensive Emergencies

The unexpended General Fund balance existing on June 30, 1981, for Program 587, is hereby reappropriated in an amount not to exceed $50,000.

Total expenditures for permanent and temporary salaries and per diems from such reappropriation shall not exceed $6,200.

For Informational Purposes Only: Total Appropriations to Agency No. 18 and Fund Source

GENERAL FUND	~~3,342,515~~
	3,133,615
CASH FUND	~~3,262,864~~
	2,929,818
FEDERAL FUND est.	491,655
REVOLVING FUND	61,033
AGENCY TOTAL	~~7,158,067~~
	6,616,121

Sec. 3. There is hereby appropriated five hundred thirty-one thousand nine hundred forty-six dollars from the Nebraska Wheat Development, Utilization, and Marketing Fund for the period July 1, 1981, to June 30, 1982, to the Nebraska Wheat Development, Utilization, and Marketing Board, Agency No. 95, for Program 381 - Wheat Development. Total expenditures for permanent and temporary salaries and per diem from funds appropriated in this section shall not exceed $82,706.

Sec. 4. That original section 6, Legislative Bill 559, Eighty-seventh Legislature, First Session, 1981, is repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Warner offered the following amendment to the Wesely amendment:

On page 1, reinstate the stricken language and strike lines 12 and 15;

On page 4, reinstate the stricken language in lines 11 to 17; and on pages 4 and 5, restore the original numbers to the subsequent subsections.

On page 6, in line 12, strike "2,929,818" and insert "3,511,764", in line 16 strike "6,616,121" and insert "7,198,067";

Strike section 3 and renumber original sections 4 and 5 as sections 3 and 4.

Mr. Warner moved for a Call of the House. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Barrett
Beutler
Carsten
Clark
Cope
Cullan
Dworak
Fenger
Fowler
Goll
Haberman
Hefner
Hoagland
Johnson, L.
Kilgarin
Koch
Kremer
Landis
Marsh
Newell

Stoney
Warner

Voting in the negative, 17:

Beyer
Burrows
Higgins
Kahle
Labedz
Maresh
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely

Present and not voting, 6:

Chronister
DeCamp
Fitzgerald
Goodrich
Peterson, R.
Wiitala

Excused and not voting, 4:

Chambers
Johnson, V.
Lamb
Marvel

The amendment lost with 22 ayes, 17 nays, 6 present and not voting, and 4 excused and not voting.

The Wesely amendment was adopted with 27 ayes, 9 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

LEGISLATIVE BILL 460. E & R amendment found in the Journal on page 2259 for the Eighty-Seventh Day was adopted.

Mr. Beutler offered the following amendment:
In line 14, page 5
strike "his or her own affairs"
add "the property of another"

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Schmit asked unanimous consent to have his name added to LB 487 and LB 487A. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 218. E & R amendment found in the Journal on page 2259 for the Eighty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 385. E & R amendments found in the Journal on page 1725 for the Seventy-Third Day were adopted.

Mr. Schmit offered the following amendment:

1. On page 29, line 6, after the period insert "If the corporation is dissolved after all indebtedness and other obligations of the corporation are discharged, its remaining assets shall inure to the benefit of the State of Nebraska.".

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Reconsider Action on LB 394

Mr. Maresh asked unanimous consent to withdraw his pending motion to reconsider the action on LB 394 found in the Journal on page 2224. No objections. So ordered.

UNANIMOUS CONSENT - Add Names to Motion on LB 12

Mrs. Marsh, Messrs. V. Johnson, and Newell asked unanimous consent to have their names added to the Beutler motion to override the Governor's veto found in the Journal on page 2176. No objections. So ordered.

MOTION - Override Governor's Veto on LB 12

Messrs. Beutler, V. Johnson, Newell, and Mrs. Marsh renewed their pending motion to override the Governor's veto on LB 12 found in the Journal on page 2176.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER MARVEL PRESIDING

Mr. Wesely moved the previous question. The question is, "Shall the debate now close? " The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Mr. Newell requested a roll call vote on the motion to override the Governor's veto.

Voting in the affirmative, 23:

Barrett
Beutler
Burrows
Chronister
Dworak
Fitzgerald
Fowler
Higgins
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Marsh
Newell
Schmit
Stoney
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 25:

Beyer
Carsten
Clark
Cope
Cullan
DeCamp
Fenger
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Kremer
Maresh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Von Minden
Warner

Excused and not voting, 1:

Chambers

The Beutler et al motion lost with 23 ayes, 25 nays, and 1 excused and not voting.

The Chair declared the Call raised.

ATTORNEY GENERAL'S OPINION

Opinion No. 111
May 27, 1981

Dear Senator Lamb:

In your letter of May 21, 1981, you ask whether, in our opinion, LB 376, as amended, would violate Article I, section 25 of the Nebraska Constitution, by discriminating between in-state and out-of-state bank holding companies, and by discriminating between existing out-of-state bank holding companies and bank holding companies coming into existence at a later date. You also ask whether the bill would violate Article XII, section 1 by giving greater rights or privileges to foreign corporations than are given to domestic coprorations.

In an opinion of this office dated May 21, 1981, Opinion No. 106, we considered whether the bill would deny equal protection, in violation of the Fourteenth Amendment, and whether it would constitute special legislation, in violation of Article III, section 18 of our Constitution, and concluded that the bill could be defended against those attacks. The constitutional provisions you inquire about are somewhat different, but we conclude that much of what we said in the former opinion is also applicable to the provisions you inqure about.

Neb.Rev.Stat. §§8-901 to 8-904 (Reissue 1977) make it unlawful for any action to be taken after March 12, 1963, which results in a company's becoming a bank holding company, which is defined as a company which owns or controls two or more banks. These sections also make it unlawful for a bank holding company to acquire ownership or control of 25 percent or more of the voting shares of any bank operating in the state. Neb.Rev.Stat. §§1201 to 8-1207 (Reissue 1977) provide for registration and regulation of one bank holding company, meaning, as the name implies, a holding company which owns or controls only one bank.

LB 376, as amended, would amend §8-903, to permit (1) a bank holding company or a company owning only one bank which is not a bank holding company as defined in §8-902, (2) a one bank holding company as defined in §8-1202, or (3) an out-of-state bank holding company as defined in 12 U.S.C.§1842(d) which on December 31, 1978 owned at least two banks in this state, to acquire up to a total of nine banks each in this state, according to a prescribed schedule. Existing out-of-state bank holding companies could own or control not more than five banks until January 1, 1983. Other bank holding companies could own or control not more than three banks before that date. After that date any bank holding company can acquire another bank each year up to a total of nine. An existing out-of-state bank holding company can acquire its nine by 1986, but domestic companies cannot acquire nine before 1988.

Your first question is whether Article I, section 25 of our Constitution is violated. This section provides in part: "There shall be no discrimination between citizens of the United States in respect to the acquisition, ownership, possession, enjoyment or descent of property." This, we think, must be construed to mean "unreasonable discrimination." Otherwise, even §§8-901 to 8-904 would be vulnerable to attack. A corporation now owning a bank which wished to acquire another would say it is discriminated against, because another corporation, which owned no bank, could acquire the bank in question, while the first corporation could not. We are assuming, but not deciding, that a corporation is a "citizen," as contemplated by Article I, section 25.

The point is that the banking business is affected with the public interest, and is subject to strict regulation. For whatever reason, the Legislature has concluded that the concentration of control of banks in a few hands should be regulated. Reasonable regulation of ownership of banks is not, therefore, forbidden by Article I, section 25, in our opinion.

Therefore, the question becomes essentially the same as we considered in our former opinion, reasonableness. We reached the conclusion that, given the historical facts, the classification was reasonable. On the same basis we conclude that reasonable restrictions on the ownership of banks would not violate Article I, section 25, even though such restrictions forbade some corporations to acquire stock in banks, while permitting other corporations to acquire such stock.

In our May 21st opinion we pointed out that there is presently only one bank holding company, as defined in §8-902, and that it was an out-of-state banking holding company, which owns five banks. The constitutional validity of LB 376 must be judged in light of this historical fact. We cited Iowa Independent Bankers v. Board of Governors of the Federal Reserve System, 511 F.2d 1288 (D.C. Cir. 1975) for the proposition that the Legislature could take the actual facts into consideration, and need not "draw its statutes to encompass hypothetical situations that could never bear the fruits of reality."

If we were to look only at the bill, with no knowledge of the factual situation, it probably would be subject to attack on several constitutional grounds, because it would appear to violate Article III, section 18, by creating unreasonable classification, and probably also Article I, section 25. On its face, it appears to give greater rights and privileges to a foreign corporation than are given to domestic corporations of a similar character, in violation of Article XII, section 1.

However, it is obvious that the drafters of the bill have simply taken into account the fact that there is now in existence only one bank holding company, as defined in §8-902, an out-of-state corporation, which owns five banks. Other bank holding companies, as defined in §8-1201, holding one bank, may acquire one new bank per year, up to a maximum of nine. The present company, holding five, cannot acquire any more until January 1, 1983, when it, also, can start acquiring one more per year. Since it starts with five, it can acquire its ninth bank sooner than those which start with one or none.

To make it more clear, suppose the bill simply provided that every bank holding company could acquire one additional bank each year, until it reached a total of nine. That would appear to be totally nondiscriminatory, and yet, under such a provision the company now owning five banks could acquire nine by 1984, instead of 1986, as LB 376 provides. In effect, this is what LB 376 does, except that it postpones until 1983 the acquisition of additional banks by the one now owning five banks.

We therefore conclude that the bill can be defended against the constitutional attacks you inquire about.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 411.

Correctly Engrossed

The following bills were correctly engrossed: 172, 242, 302, 321, 344, 488, and 494.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 172

The following changes, required to be reported for publication in the Journal, have been made:

(1) In E & R amendments, line 1, "66-604" has been stricken and "66-404" inserted; and in line 2 "and" has been inserted before "66-609".

Enrollment and Review Changes to LB 242

The following changes, required to be reported for publication in the Journal, have been made:

1. In the title, line 3, "and section 47-120, Revised Statutes Supplement, 1980," has been inserted after the second comma; and in line 6 "to provide for the performance of certain duties;" has been inserted after the semicolon, and "section" has been stricken and "sections" inserted;

2. On page 2, line 20, "Nebraska Penal and Correctional Complex" has been stricken and "Department of Correctional Services adult correctional facility" inserted.

Enrollment and Review Changes to LB 302

The following changes, required to be reported for publication in the Journal, have been made:

In lieu of the Wagner amendment to E & R 2, in the title as amended, line 5, "and" has been stricken; and in line 6 "to amend section 70-623, Reissue Revised Statutes of Nebraska, 1943; to eliminate an obsolete reference; and to repeal the original section" has been inserted after "Board".

Enrollment and Review Changes to LB 411

The following changes, required to be reported for publication in the Journal, have been made:

(1) In the Final Reading bill, page 3, line 13, the second comma has been stricken.

(2) In the title, as amended, line 3, "or denying" has been stricken.

(Signed) Emory P. Burnett
E & R Attorney

MR. NICHOL PRESIDING

MOTION - Override Governor's Veto on LB 39

Mr. Kahle renewed his pending motion to override the Governor's veto on LB 39 found in the Journal on page 2268.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kahle moved for a Call of the House. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Kahle requested a roll call vote on his motion to override the Governor's veto.

Voting in the affirmative, 30:

Barrett
Beyer
Burrows
Chronister
Cullan
Fenger
Fitzgerald
Fowler
Goll
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Marsh
Marvel
Newell
Nichol
Peterson, R.
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 18:

Beutler
Carsten
Clark
Cope
DeCamp
Dworak
Goodrich
Haberman
Kremer
Lamb
Landis
Maresh
Peterson, H.
Pirsch
Remmers
Rumery
Stoney
Warner

Excused and not voting, 1:

Chambers

The Kahle motion prevailed with 30 ayes, 18 nays, and 1 excused and not voting.

The Chair declared the Call raised.

MOTION - Override Governor's Veto on LB 39A

Mr Kahle renewed his pending motion to override the Governor's veto on LB 39A found in the Journal on page 2268.

The Kahle motion prevailed with 31 ayes, 14 nays, 3 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Withdraw Request

Mr. Stoney asked unanimous consent to withdraw his request to be excused Friday, June 5, 1981. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Goll's daughter, Sarah Goll Haskell, from San Francisco; 40 fourth grade students and teachers from Arnold School, Lincoln; and Don Blaha from Ord.

RECESS

At 12:14 p.m., on a motion by Mr. L. Johnson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m., President Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mr. Kremer and Mrs. Pirsch who were excused until they arrive.

MOTION - Reconsider Override Motion on LB 12

Mr. Warner moved to reconsider the override motion on LB 12.

Mr. Warner asked unanimous consent to withdraw his motion. No objections. So ordered.

COMMUNICATION ON LB 39

May 27, 1981

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are fowarding LB 39 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 39 notwithstanding the objections of the Governor.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:sd
xc: Governor Thone

CERTIFICATE

Legislative Bill 39 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 27th day of May, 1981.

(Signed) Roland Luedtke, President
Presiding Officer of the Legislature

COMMUNICATION ON LB 39A

May 27, 1981

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 39A with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 39A notwithstanding the objections of the Governor.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:sd
xc: Governor Thone

CERTIFICATE

Legislative Bill 39A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 27th day of May, 1981.

(Signed) Roland Luedtke, President
Presiding Officer of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 190.

Introduced by Hoagland, 6th District; Wesely, 26th District; Landis, 46th District; Fowler, 27th District.

WHEREAS, Amnesty International is a world-wide organization dedicated to securing the release of individuals imprisoned solely for their political or religious convictions, their color, ethnic origin, or sex; and

WHEREAS, Amnesty International opposes torture and executions in all cases; and

WHEREAS, Amnesty International is independent of any government, political group, ideology, economic interest, or religious creed; and

WHEREAS, some of the thousands of prisoners of conscience who are the object of Amnesty International's concern may have their freedom restored as a result of the continued efforts of Amnesty International; and

WHEREAS, the birth of Amnesty International can be attributed to an article written by London lawyer Peter Benenson which appeared in the Observer on May 28, 1961.

NOW, THEREFORE, BE IT RESOLVED BY THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations to Amnesty International on its 20th anniversary of work on behalf of prisoners of conscience.
2. That the Legislature designates May 28, 1981, as Prisoner of Conscience Day and urges Nebraskans to reflect on the sanctity of human rights.
3. That the Clerk send copies of this resolution to Amnesty International USA and to the Nebraska groups in Lincoln and Omaha.

Laid over.

MOTION - Return LB 234A to Select File

Mr. DeCamp moved to return LB 234A to Select File for the following specific amendment:

(FINAL READING SECOND)

1. On page 2, line 1, strike “eleven” and insert “two”; and in line 2 strike “seven hundred twenty-two”.

The motion to return prevailed with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 234A. The DeCamp specific amendment found in this day's Journal was adopted with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 213 to Select File

Messrs. Nichol and DeCamp moved to return LB 213 to Select File for the specific amendment, Req. #2436, found in the Journal on page 2086.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Cullan requested a record vote on the motion to return.

Voting in the affirmative, 9:

Chambers
Clark
DeCamp
Fowler
Higgins
Kahle
Newell
Nichol
Remmers

Voting in the negative, 29:

Beyer
Cope
Cullan
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Labedz
Landis
Maresh
Marsh
Peterson, H.
Peterson, R.
Pirsch
Rumery
Sieck
Stoney
Vickers
Von Minden
Warner
Wesely
Wiitala

Present and not voting, 10:

Barrett
Burrows
Carsten
Chronister
Koch
Kremer
Lamb
Marvel
Schmit
Wagner

Excused and not voting, 1:

Beutler

The Nichol-DeCamp motion to return lost with 9 ayes, 29 nays, 10 present and not voting, and 1 excused and not voting.

REPORT OF EXECUTIVE BOARD

May 27, 1981

The 1981 Preliminary Reference Report on Legislative Resolutions was approved by the Legislative Council Executive Board on May 12, 1981 and printed on pages 1966 through 1973 of the May 12, 1981 Legislative Journal.

This report also set forth a requirement that all Committee Chairpersons prioritize the resolutions; develop a study proposal and program statement for each Interim Study Resolution referred to their respective committee; and the study proposal-program statements were to be submitted to the Executive Board by Friday, May 22, 1981.

At the May 27th meeting of the Executive Board a consensus was reached that the responsibility of conducting interim studies will be under the direction of the committee chairperson to which the resolutions were referred in the Preliminary Reference Report on Legislative Resolutions and in accordance with the iterim study proposal program statements submitted to the Executive Board.

It was also noted by the members of the Executive Board that in accordance with existing policy, any unusual expenditures, to include air or out-of-state travel, use of consultants, leasing of computer time, etc., are to be submitted to the chairman of the Intergovernmental Cooperation Committee or the Executive Board as appropriate for prior approval.

RESOLUTION

LEGISLATIVE RESOLUTION 191.

Introduced by Business and Labor Committee: Maresh, 32nd District, Chairperson; Vickers, 38th District; Barrett, 39th District; Wiitala, 31st District; Goll, 16th District; Fitzgerald, 14th District; Labedz, 5th District.

Whereas, agreements have been reached on collective bargaining contracts concerning various terms and conditions of employment for fiscal year 1981-82 between the following parties:

1. Nebraska Department of Labor and the American Federation of State, County and Municipal Employees; and
2. Nebraska Department of Public Institutions and the American Federation of State, County and Municipal Employees; and
3. Nebraska Department of Correctional Services and the Nebraska Association of Correctional Employees; and

4. Nebraska Department of Roads and the Nebraska Association of Public Employees; and
5. Nebraska Game and Parks Commission and the Nebraska Association of Public Employees; and
6. Nebraska Department of Education and the Nebraska Association of Public Employees; and
7. Nebraska Department of Education and the Nebraska School for the Deaf Education Association; and
8. Nebraska Department of Public Welfare and the State Code Agencies Teachers Association; and
9. Nebraska Department of Public Institutions and the State Code Agencies Teachers Association; and
10. Nebraska Department of Correctional Services and the State Code Teachers Association; and

Whereas section 48-837, Revised Statutes of Nebraska, 1943, requires Legislative approval of such contracts; and

Whereas such contracts represent the product of good faith bargaining between the state agencies and labor organizations which are parties to the contracts.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, FIRST SESSION, that the Legislature hereby approves such contracts, which approval shall be effective when such contracts are signed by the parties.

Laid over.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 314. Placed on General File as amended.
Standing Committee amendments to LB 314:
Req. #2470

1. Insert a new section as follows:

"Sec. 3. That section 71-1342, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1342. (1) Whenever any person, referred to in this section as the depositor, makes an agreement with a funeral director, funeral firm, cemetery organization_ or any person or organization referred to in this section as the beneficiary, for the final disposition of the body of a person referred to in this section as the potential decedent, wherein the use of personal property, under a prearranged funeral plan or the furnishing of services of a funeral director or embalmer in connection therewith is not immediately required, all payments made under the agreement, including interest and dividends, if any, shall be and remain trust funds until occurrence of the death of the potential decedent, unless the funds are sooner released upon demand to the depositor, after written notice to the beneficiary. Nothing in this section shall prevent the sale and delivery of cemetery lots, graves, crypts, niches, columbaria or grave or lot markers or monuments before their use is required or prepayment of cremation and interment fees.

(2) All such trust funds shall be deposited with a bank or trust company within the state whose deposits are insured by the Federal Deposit Insurance Corporation or invested in a savings and loan association within the state whose shares are insured by the Federal Savings and Loan Insurance Corporation and shall be held in a separate account in the name of the depositor in trust for the beneficiary until the trust fund is released under either of the conditions provided in subsections (1) of this section. In the event of the death of the depositor before the death of the potential decedent, title to such funds shall vest in the potential decedent, and the funds shall be used for the personal property and services to be furnished under the contract for the funeral of the potential decedent. The depositor shall be furnished with a copy of the receipts, certificates, or other appropriate documentary evidence showing that the funds have been deposited or invested in accordance with this section. The depositor or the beneficiary shall furnish the bank, trust company, or savings and loan association with a copy of the contract. Upon receipt of a certified copy of the certificate of death of the potential decedent, together with the written statement of the beneficiary that the agreement was complied with, the bank, trust company, or savings and loan association shall release such trust funds to the beneficiary.

(3) Notwithstanding the provisions of subsection (1) of this section, the depositor may designate such a trust as irrevocable. This may be done at the time the contract is made or at any time during the duration of the contract. When such trust is designated as irrevocable, the bank or trust company, as referred to in subsection (2) of this section, may in its discretion transfer such funds to another beneficiary for use in payment of burial and funeral related expenses.".

2. On page 4, line 1, after "original" insert "section 71-1342, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 2 strike "is" and insert "are".

3. Underscore original section 1.

4. Renumber original section 3 as section 4.

(Signed) Samuel K. Cullan, Chairperson

MOTION - Return LB 531 to Select File

Mr. DeCamp moved to return LB 531 to Select File for the specific amendment found in the Journal on page 2219.

The motion prevailed with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 531. The DeCamp specific amendment found in the Journal on page 2219 was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 95 to Select File

Mr. Cullan moved to return LB 95 to Select File for the specific amendment found in the Journal on page 2269.

Mr. Koch asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

The Cullan motion to return prevailed with 25 ayes, 7 nays, 15 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 95. The Cullan specific amendment found in the Journal on page 2269 was adopted with 25 ayes, 9 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 552 to Select File

Mr. Dworak moved to return LB 552 to Select File for the specific amendment found in the Journal on page 2276.

The motion to return prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 552. The Dworak specific amendment found in the Journal on page 2276 was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Withdraw Amendment to LB 552

Mr. Dworak asked unanimous consent to withdraw his pending amendment to LB 552 found in the Journal on page 2270. No objections. So ordered.

MOTION - Return LB 544 to Select File

Mr. Cullan moved to return LB 544 to Select File for the following Cullan, Wesely, and DeCamp specific amendment:

Req. #2466

1. Insert the following new sections:

"Sec. 2. That section 39-1361, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1361. (1) No person, firm, or corporation may dig up, cross, or otherwise use any portion of the state highway system for laying or relaying ~~pipe lines~~ pipelines, ditches, flumes, pipes, sewers, railways, or any other similar purpose without obtaining a written permit from the department and agreeing to comply with such reasonable regulations as the department shall prescribe. Such regulations may include provisions relevant to an existing portion of the state highway system and also may contemplate future or contingent problems by providing protection to the department from expense or damage arising in the reconstruction or relocation of a portion of the state highway system when such expense or damage would not have existed but for the activity authorized by the permit.

(2) No person, firm, or corporation shall construct or install any new pole line, any underground conduit, or any buried cable or erect any new guy wires upon any portion of the state highway right-of-way without obtaining a written consent or permit from the department.

(3) The department shall grant such written consent or permits to do any of the things mentioned in subsections (1) and (2) of this section if the installation of such thing does not interfere with, or cause unreasonable hazards to, the use of the

right-of-way for highway purposes, except that in the case of a person, firm, or corporation complying with subsection (1) of this section and not subject to section 57-1101, the department shall grant such permit or consent if the granting of such permit is in the public interest. The Director-State Engineer shall consider the following factors in making the determination of the public interest: (a) Whether installation of such pipeline interferes with or causes unreasonable hazards to the use of the right-of-way for highway purposes; (b) whether such pipeline serves the transportaion interests and needs of the state; (c) whether such pipeline will have a significant adverse effect on the quantity or quality of the surface water or ground water in any aquifer located in whole or in part within Nebraska; (d) whether the pipeline can reasonably be expected not to have a significant adverse effect upon the state's economy; and (e) whether such pipeline adversely affects the public health and safety of the state.

(4) The person, firm, or corporation to whom, or in whose behalf, the permit is given shall pay the cost of placing the highway in as good condition as it was prior to being dug up, crossed, or used and shall, upon the request of the department, furnish the state with a cash deposit or certified check upon a solvent bank, or a surety bond in a guaranty company qualified to do business in Nebraska. The deposit, check, or bond shall be in the amount required by the department and shall be furnished on condition that the sum be forfeited to the state in the event that the conditions of the permit or regulations of the department are breached.

(5) A written permit to do any of the things mentioned in this section shall not be required for emergency maintenance or emergency repair work on existing facilities, but in such cases oral consent shall be secured from the Director-State Engineer or his or her authorized representative as soon as the exigencies of the situation allow.

Sec. 3. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.”.

2. On page 2, line 20, strike “section 39-1108,” and insert “sections 30-1108 and 39-1361,”; and in line 21, strike “is” and insert “are”.

3. In the committee amendments, renumber section 3 as section 5.

4. Renumber original section 2 as section 4.

Mr. Beutler requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair declared the amendment germane to the bill.

Mr. Beutler moved to overrule the Chair.

The Beutler motion to overrule the Chair lost with 16 ayes, 21 nays, 11 present and not voting, and 1 excused and not voting.

The Chair is sustained.

Mrs. Labedz asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Cullan asked unanimous consent to withdraw his motion to return LB 544 to Select File. No objections. So ordered.

MOTION - Rule Change

Mr. Vickers moved to amend Rule 7, Sec. 7 by adding the following new language after Sec. 7 (c):

(d) For a bill on General File, no motion to reconsider shall be in order until the bill has failed to advance three times; for a bill on Select File, no motion to reconsider shall be in order until the bill has failed to advance two times; for a bill passed on Final Reading, no motion to reconsider shall be in order except by the introducer of the bill, for technical amendments.

Referred to the Rules Committee.

MESSAGE FROM THE GOVERNOR

May 27, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Reengrossed Legislative Bills 134, 224, 326, and 360 were received in my office on May 26th.

These bills were signed by me on May 27, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

MESSAGES FROM THE SECRETARY OF STATE

May 27, 1981

Patrick J. O'Donnell
Clerk of the Legislature
Unicameral Legislature
State Capitol Bldg.
Lincoln, NE 68509

RE: LB 39 Eighty-Seventh Legislature, First Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on May 27, 1981, at 2:05 p.m., L.B. 39. Along with L.B. 39, I hereby acknowledge receipt of your cover letter and a signed certificate by Richard Marvel, Presiding Officer and President of the Legislature the contents of which are as follows:

> "Legislative Bill 39 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 27th day of May, 1981."

Further, I hereby acknowledge that L.B. 39, cover letter, and certificate have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) Allen J. Beermann
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 39 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 27th day of May, 1981.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Seventh day of May in the year of our Lord, one thousand nine hundred and Eighty-One.

(SEAL) (Signed) Allen J. Beermann, Secretary of State
May 27, 1981

Patrick J. O'Donnell
Clerk of the Legislature
Unicameral Legislature
State Capitol Bldg.
Lincoln, NE 68509

RE: LB 39A, Eighty-Seventh Legislature, First Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on May 27, 1981, at 2:05 p.m., L.B. 39A. Along with L.B. 39A, I hereby acknowledge receipt of your cover letter and a signed certificate by Richard Marvel, Presiding Officer and President of the Legislature the contents of which are as follows:

> "Legislative Bill 39A having been returned by the Governor with his objections thereto, and after reconsideration having passed the legislature by the constitutional majority, it has become law this 27th day of May, 1981."

Further, I hereby acknowledge that L.B. 39A, cover letter, and certificate have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) Allen J. Beermann
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 39A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 27th day of May, 1981.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Seventh day of May in the year of our Lord, one thousand nine hundred and Eighty-One.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

UNANIMOUS CONSENT - Member Excused

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 411 to Select File

Mr. Hoagland moved to return LB 411 to Select File for the following specific amendment:

Req. #2468

1. In the Sieck amendments on page 1982 of the Journal on page 1, strike beginning with "by" in line 14 through "trial" in line 15; and after line 17 insert:

"4. Insert the following new sections:

'Sec. 5. That section 25-1912, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1912. The proceedings to obtain a reversal, vacation, or modification of judgments and decrees rendered or final orders made by the district court, including judgments and sentences upon convictions for felonies and misdemeanors under the criminal code, shall be by filing in the office of the clerk of the district court in which such judgment, decree, or final order was rendered, within one month after the rendition of such judgment or decree, or the making of such final order, or within one month from the overruling of a motion for a new trial in said cause, a notice of intention to prosecute such appeal signed by the appellant or appellants or his, her, or their attorney of record, and, except as otherwise provided in section 29-2306, by depositing with the clerk of the district court the docket fee required by law in appeals to the Supreme Court. A motion for a new trial shall not be necessary for consideration on appeal of errors occurring at trial. In addition thereto, the notice of appeal in a criminal case shall state the nature of the offense and the sentence imposed. If an order of the Supreme Court suspending the execution of the sentence pending review in that court is desired, request for such suspension shall be included in the notice of appeal. Except as otherwise provided in section 29-2306, an appeal shall be deemed perfected, and the Supreme Court shall have jurisdiction of the cause when such notice of appeal shall have been filed, and such docket fee deposited in the office of the clerk of the district court, and after being so perfected no appeal shall be dismissed without notice, and no step other than the filing of such notice of appeal and the depositing of such docket fee shall be deemed jurisdictional. The clerk of the district court shall forthwith forward such docket fee, and a certified copy of such notice of appeal, to the Clerk of the Supreme Court, whereupon the Clerk of the Supreme Court shall forthwith docket such appeal. Within one month from the date of filing of notice of appeal, the clerk of the district court shall prepare and file with the Clerk of the Supreme Court a transcript certified as a true copy of the proceedings contained therein. The transcript shall contain the judgment, decree or final order sought to be reversed, vacated, or modified, and all other filings made with such clerk, unless otherwise ordered by the appellant or appellants by the filing of a praecipe at the time of filing of notice of appeal, designating what portions of the record should be included in the transcript. Neither the form nor substance of such transcript shall affect the jurisdiction of the Supreme Court. Nothing herein contained shall prevent any person from giving supersedeas bond in the district court in the time and manner provided in section 25-1916, nor affect the right of a defendant in a criminal case to be admitted to bail pending the review of such case in the Supreme Court.

Sec. 6. That section 29-824, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-824. In addition to any other right to appeal, the state shall have the right to appeal from an order granting a motion for the return of seized property and to suppress evidence in the manner herein provided. Where such motion has been granted in district court, the Attorney General, or the county attorney or prosecuting officer with the consent of the Attorney General, may file his or her application with the Clerk of the Supreme Court asking for a summary review of the order granting the motion. The review shall be made by a Judge of the Supreme Court at chambers upon such notice, briefs, and argument as the Judge of the Supreme Court may direct, after which such judge shall enter his or her order affirming, reversing, or modifying the order submitted for review, and upon any trial on the general issue thereafter the parties and the trial court shall be bound by such order; Provided, that upon conviction after trial the defendant may on appeal to the Supreme Court challenge the correctness of the order by the Judge of the Supreme Court. ~~by preserving the question in his motion for a new trial.~~

Sec. 7. That original sections 25-1912 and 29-824, Reissue Revised Statutes of Nebraska, 1943, are repealed.'.

5. In the title line 2 after the semicolon insert 'to amend sections 25-1912 and 29-824, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to appeals;'.".

Mr. Hoagland moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to return prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 411. The Hoagland specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 218, 385, and 460.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 460

The following changes, required to be reported for publication in the Journal, have been made:

(1) In the Beutler amendment, old matter stricken has been shown as stricken and underscoring has been supplied to the new matter added.

(Signed) Emory P. Burnett
E & R Attorney

UNANIMOUS CONSENT - Member Excused

Mr. Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CLARK PRESIDING

MOTION - Return LB 548 to Select File

Mr. Nichol moved to return LB 548 to Select File for the following specific amendment:

1. Page 9, line 12, following 7,097.45, insert
"Claim No. 181, against the Department of Correctional Services, pay to Robert F. Parrott and A.V. Nance, as joint debtors, P.O. Box 2500, Lincoln, Nebraska 68502, 2,903.50"

Mr. Nichol moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Nichol requested a roll call vote on his motion to return.

Voting in the affirmative, 19:

Carsten
Chronister
Clark
Cope
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Maresh
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Sieck
Von Minden
Warner

Voting in the negative, 23:

Barrett
Beutler
Beyer
Burrows
Chambers
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Hoagland
Johnson, V.
Kilgarin
Landis
Marsh
Marvel
Peterson, R.
Remmers
Stoney
Vickers
Wagner
Wiitala

Present and not voting, 2:

Higgins
Wesely

Excused and not voting, 4:

DeCamp
Koch
Kremer
Labedz

Absent and not voting, 1:

Schmit

The Nichol motion lost with 19 ayes, 23 nays, 2 present and not voting, 4 excused and not voting, and 1 absent and not voting.

MOTION - Return LB 352 to Select File

Mr. Carsten moved to return LB 352 to Select File for the following specific amendment:

"Add the Emergency Clause"

The motion prevailed with 33 ayes, 3 nays, 9 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 352. The Carsten specific amendment found in this day's Journal was adopted with 33 ayes, 2 nays, 10 present and not voting, and 4 excused and not voting.

Mr. Stoney requested a machine vote to advance the bill.

Advanced to E & R for Re-Engrossment with 32 ayes, 3 nays, 10 present and not voting, and 4 excused and not voting.

MOTION - Return LB 551 to Select File

Mr. Remmers moved to return LB 551 to Select File for the following specific amendment:

1. On page 1, strike lines 12 through 25.
2. On page 2, in lines 1 through 27 strike the new matter and reinstate the stricken matter; in line 16 strike, "Sarpy," and show as stricken, strike "Johnson," and show as stricken, and strike "Pawnee," and show as stricken; in line 17 after the semicolon insert "and that portion of Sarpy County not in Public Service Commission district 2;"; in line 19 after "districts" insert "3," and after the semicolon insert "and the following territory in Sarpy County: Beginning at the intersection of 60th Street and the Douglas-Sarpy County Line, south to a line three miles south of the Sarpy-Douglas County line, east to the Union Pacific railroad tracks, south along the Union Pacific railroad tracks to Highway 370, east on Highway 370 to Highway 73-75, north on Highway 73-75 to Railroad Avenue, north on Railroad Avenue to the Douglas-Sarpy County line, west on the Douglas-Sarpy County line to the point of beginning;"; and in line 24 after "districts" insert "3,"
3. On page 3, in lines 1 through 10 reinstate the stricken matter and in line 1 after the last comma insert "Johnson, Pawnee,".

Mr. Newell moved the previous question. The question is, "Shall the debate now close? " The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mr. Remmers moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Remmers requested a roll call vote on his motion to return.

Voting in the affirmative, 18:

Carsten
Chronister
Clark
Cope
Dworak
Goll
Haberman
Hefner
Johnson, L.
Maresh
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Von Minden
Warner

Voting in the negative, 20:

Barrett
Beutler
Cullan
Fenger
Fitzgerald
Goodrich
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Lamb
Landis
Marvel
Newell
Rumery
Stoney
Vickers
Wesely
Wiitala

Present and not voting, 6:

Beyer
Burrows
Chambers
Fowler
Sieck
Wagner

Excused and not voting, 4:

DeCamp
Koch
Kremer
Labedz

Absent and not voting, 1:

Schmit

The Remmers motion to return lost with 18 ayes, 20 nays, 6 present and not voting, 4 excused and not voting, and 1 absent and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 111.

A BILL FOR AN ACT relating to judicial salaries; to amend sections 24-301.01, 24-513, and 26-106, Reissue Revised Statutes of Nebraska, 1943, and sections 48-153 and 48-159, Revised Statutes Supplement, 1980; to adjust salaries; to provide a formula for establishing salaries; to change a term of office; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Beyer
Chronister
Cope
Cullan
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Landis
Marsh
Marvel
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Von Minden
Wesely
Wiitala

Voting in the negative, 15:

Burrows
Carsten
Chambers
Clark
Dworak
Haberman
Kahle
Lamb
Maresh
Newell
Pirsch
Stoney
Vickers
Wagner
Warner

Present and not voting, 3:

Beutler
Fitzgerald
Nichol

Excused and not voting, 6:

Barrett
DeCamp
Koch
Kremer
Labedz
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 118. With Emergency.

A BILL FOR AN ACT to amend Laws 1980, LB 759, section 1, and the title thereto; to permit additional states to execute the Missouri River Barge Traffic Compact; to extend the time for execution of the compact; to repeal original Laws 1980, LB 759, section 1, and the title thereto; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 6:

Barrett
DeCamp
Koch
Kremer
Labedz
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 129.

A BILL FOR AN ACT to amend section 53-160, Revised Statutes Supplement, 1980, relating to alcoholic liquors; to increase the tax rates; and to repeal the original section.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass? ' ''

Voting in the affirmative, 34:

Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
Fenger
Fowler
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 8:

Beutler
Clark
Dworak
Haberman
Higgins
Lamb
Maresh
Marvel

Present and not voting, 1:

Fitzgerald

Excused and not voting, 6:

Barrett
DeCamp
Koch
Kremer
Labedz
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 129A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 129, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Cullan
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 9:

Beutler
Clark
Cope
Dworak
Haberman
Higgins
Lamb
Maresh
Marvel

Excused and not voting, 5:

DeCamp
Koch
Kremer
Labedz
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 523.

A BILL FOR AN ACT to amend section 5-101.01, Reissue Revised Statutes of Nebraska, 1943, relating to apportionment; to change Congressional districts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Lamb
Landis
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Vickers
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 6:

Dworak
Fowler
Kilgarin
Maresh
Newell
Wesely

Present and not voting, 1:

Sieck

Excused and not voting, 5:

DeCamp
Koch
Kremer
Labedz
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 548. With Emergency.

A BILL FOR AN ACT to make appropriations for the payment of miscellaneous claims against the state; to provide how payments shall be made; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 29:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Landis
Marsh
Newell
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Warner
Wesely
Wiitala

Voting in the negative, 15:

Clark
Goodrich
Haberman
Hefner
Higgins
Kahle
Lamb
Maresh
Marvel
Nichol
Pirsch
Stoney
Vickers
Von Minden
Wagner

Excused and not voting, 5:

DeCamp
Koch
Kremer
Labedz
Schmit

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken? "

Mrs. Marsh requested a roll call vote.

Voting in the affirmative, 30:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Landis
Marsh
Newell
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Warner
Wesely
Wiitala

Voting in the negative, 14:

Clark
Goodrich
Haberman
Hefner
Kahle
Lamb
Maresh
Marvel
Nichol
Pirsch
Stoney
Vickers
Von Minden
Wagner

Excused and not voting, 5:

DeCamp
Koch
Kremer
Labedz
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

Speaker Marvel asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 556. With Emergency.

A BILL FOR AN ACT to amend sections 44-1620.01 and 44-1623, Reissue Revised Statutes of Nebraska, 1943, relating to insurance for state employees; to increase the state contribution for health insurance; to increase the amount of state-paid life insurance; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached? '''

Voting in the affirmative, 43:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Lamb
Landis
Maresh
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 6:

DeCamp
Koch
Kremer
Labedz
Marvel
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 556A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 556, Eighty-seventh Legislature, First Session, 1981; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached? '"

Voting in the affirmative, 45:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 4:

Koch
Kremer
Labedz
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 396 to Select File

Mr. Carsten moved to return LB 396 to Select File for the following specific amendment:

1. On page 2, strike "product" and insert "finished product which is sold in the normal course of business to the ultimate consumer and";
2. On page 6, line 12, after the period, insert "The distributor who first causes the distribution of the agricultural liming material into or within this state shall be responsible for compliance with the registration requirements of this section."

The motion prevailed with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 396. The Carsten specific amendment found in this day's Journal was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Suspend Rules

Mr. Marvel moved to suspend the rules, Rule 6, Section 7(b), to permit the following bills to be considered on final reading: 213, 318, 322, 389, and 389A.

The motion prevailed with 34 ayes, 2 nays, 9 present and not voting, and 4 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 213. With Emergency.

A BILL FOR AN ACT to amend sections 29-2005 and 29-2203, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to change certain notice provisions as prescribed; to change the number of peremptory challenges as prescribed; to change procedures for the commitment and release of certain defendants; to extend jurisdiction in certain cases of previous commitments; to provide duties; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached? '''

Voting in the affirmative, 40:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 4:

Chambers Clark Nichol Wagner

Excused and not voting, 5:

DeCamp Koch Kremer Labedz Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 318.

A BILL FOR AN ACT to amend section 79-1333.01, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1333 and 79-1334, Revised Statutes Supplement, 1980, relating to schools; to provide for payment of certain state financial assistance in ten monthly payments; to provide procedures for early payment of state financial assistance to certain school districts; to change the amount of total financial support distributed to schools as prescribed; to change provisions relating to the distribution of foundation aid as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Cope
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 3:

Clark Cullan Wesely

Excused and not voting, 5:

DeCamp Koch Kremer Labedz Schmit

Absent and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 322. With Emergency.

A BILL FOR AN ACT relating to agriculture; to amend section 2-2317, Reissue Revised Statutes of Nebraska, 1943, as amended by section 33, Legislative Bill 11, Eighty-seventh Legislature, First Session, 1981; to require the Department of Agriculture to furnish reports; to prescribe contents; to change provisions relating to approval of certain vouchers; to provide procedures; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached? ' "

Voting in the affirmative, 27:

Barrett
Burrows
Carsten
Chronister
Cope
Cullan
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kilgarin
Lamb
Landis
Maresh
Marsh
Peterson, H.
Peterson, R.
Remmers
Rumery
Wagner
Warner
Wiitala

Voting in the negative, 16:

Beutler
Beyer
Clark
Dworak
Fenger
Hoagland
Johnson, V.
Marvel
Newell
Nichol
Pirsch
Sieck
Stoney
Vickers
Von Minden
Wesely

Present and not voting, 1:

Chambers

Excused and not voting, 5:

DeCamp
Koch
Kremer
Labedz
Schmit

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken? "

Voting in the affirmative, 25:

Barrett
Burrows
Carsten
Chronister
Cope
Cullan
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Maresh
Marsh
Peterson, H.
Peterson, R.
Remmers
Rumery
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 18:

Beutler
Beyer
Clark
Dworak
Fenger
Higgins
Hoagland
Johnson, V.
Kilgarin
Landis
Marvel
Newell
Nichol
Pirsch
Sieck
Stoney
Vickers
Von Minden

Present and not voting, 1:

Chambers

Excused and not voting, 5:

DeCamp
Koch
Kremer
Labedz
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 389.

A BILL FOR AN ACT to adopt the Disabled Persons and Family Support Act; to provide duties; to provide a penalty; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass? '"

Voting in the affirmative, 34:

Beutler
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
Fenger
Fitzgerald
Fowler
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Landis
Maresh

Marsh
Marvel
Newell
Peterson, H.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 9:

Barrett
Clark
Dworak
Goll
Haberman
Lamb
Nichol
Peterson, R.
Von Minden

Present and not voting, 1:

Chambers

Excused and not voting, 5:

DeCamp
Koch
Kremer
Labedz
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 389A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 389, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Beutler
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
Fitzgerald
Fowler
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Landis
Maresh
Marsh
Newell
Peterson, H.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 11:

Barrett
Clark
Dworak
Fenger
Goll
Haberman
Lamb
Marvel
Nichol
Peterson, R.
Von Minden

Present and not voting, 1:

Chambers

Excused and not voting, 5:

DeCamp	Koch	Kremer	Labedz	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 234A and 531.

Correctly Engrossed

The following bills were correctly engrossed: 285 and 544.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 285

The following changes, required to be reported for publication in the Journal, have been made:

(1) Section numbers have been assigned as follows:

Section 1. 39-602 (51) Supp.
Sec. 2. 39-6,177 Supp.
Sec. 3. 39-6,181 Supp.
Sec. 4. Original Sec. 1.
Sec. 5 39-1309 Reiss.
Sec. 6. 39-1315.01 Reiss.
Sec. 7. 60-301 (27) Supp.
Sec. 8. 60-2101.01 Reiss.
Sec. 9. Repeal;

(2) The various amendments to 39-6,177 have been merged;

(3) In lieu of all other amendments thereto, renumbered section 9 has been changed to read:

"Sec. 9. That original sections 39-1309, 39-1315.01, and 60-2101.01, Reissue Revised Statutes of Nebraska, 1943, and sections 39-602 (51), 39-6,177, 39-6,181, and 60-301 (27), Revised Statutes Supplement, 1980, are repealed.";

4. In the title, lines 2 to 8 have been stricken and the following inserted:

"FOR AN ACT relating to motor vehicles; to redefine terms; to make various changes in the rules of the road; to provide duties; to change provisions respecting temporary detours; to amend sections 39-1309, 39-1315.01, and 60-2101.01, Reissue Revised Statutes of Nebraska, 1943, and sections 39-602 (51), 39-6,177, 39-6,181, and 60-301 (27), Revised Statutes Supplement, 1980; and to repeal the original sections.".

5. In the original bill, page 3, line 13, and page 1, line 17, of the s. c. amendments, "1" has been stricken and "4" inserted.

6. In Req. 2395, page 4, line 19, "(10)" has been stricken and "~~(10)~~ (11)" inserted.

Enrollment and Review Changes to LB 544

The following changes, required to be reported for publication in the Journal, have been made:

(1) In lieu of the Warner amendment, original sections 1 and 2 have been renumbered as sections 4 and 5; and the emergency clause has been renumbered as section 6;

(2) In line 1 of sections 2 and 3, the symbol has been stricken and "section" inserted; and in line 6 of section 3 the symbol has been stricken and "section" inserted;

(3) In the Vickers amendments, catch lines have been stricken; in line 2 of each section "(Reissue 1978)" has been stricken; paragraphing has been supplied where missing; in section 2, subdivision (5) (d), line 2, the spelling of "auxiliary" has been corrected; in the last line of section 3, subsection (2), space has been removed from "39-6,140"; and in line 5 of section 3, subsection (3), the spelling of "from" has been corrected as in the statutes;

(4) In lieu of the Warner amendment thereto, on page 2, line 20, "section" has been stricken and "sections 2-101, 39-6,138, 39-139, and" inserted; and in line 21 "is" has been stricken and "are" inserted;

(5) In the title, lines 2 to 6 as amended have been stricken and the following inserted:

FOR AN ACT relating to government; to allow certain meetings to be held other than in the state capital; to change provisions for regulation of spot lamps; to amend sections 2-101, 39-6,138, 39-6,139, and 39-1108, Reissue Revised Statutes of Nebraska, 1943; to repeal the original sections; and to declare an emergency.".

(Signed) Emory P. Burnett
E & R Attorney

UNANIMOUS CONSENT - Members Excused

Messrs. Haberman and Carsten asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

EASE

The Legislature was at ease from 6:08 p.m. until 7:01 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 95, 352, 396, 411, and 552.

Correctly Engrossed

The following bills were correctly engrossed: 487 and 487A.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 95

The following changes, required to be reported for publication in the Journal, have been made:

(1) In the title, line 11, after the first semicolon "to define a term;" has been inserted;

(2) On page 20, line 14, "the" has been stricken, and "statutes of" has been stricken and "as set forth in" inserted.

Enrollment and Review Changes to LB 396

The following changes, required to be reported for publication in the Journal, have been made:

(1) The matter added by the Carsten amendment, has been inserted after "product" on page 2, line 7, of the Final Reading Bill.

Enrollment and Review Changes to LB 411

The following changes, required to be reported for publication in the Journal, have been made:

(1) In the title, line 5, "and" has been stricken and in line 6 "; and to repeal the original sections" inserted after "thereon".

Enrollment and Review Changes to LB 487

The following changes, required to be reported for publication in the Journal, have been made:

(1) Sections have been renumbered as follows:

The first section 16 in the Wesely amendments as section 50, sections 16 to 24 in the Wesely amendments as sections 51 to 59, sections 48, 49, and 51 to 53 in the Schmit amendments as sections 60 to 64;

(2) In the Wesely amendments adding renumbered sections 51 to 59, page 1, line 3, page 2, lines 22 and 23, page 3, lines 16, 17, and 23, page 5, line 27, and page 6, line 2, "16 to 24" has been stricken and "51 to 59" inserted; on page 4, line 25, "22" has been stricken and "57" inserted; on page 5, line 21, "21" has been stricken and "56" inserted; and on page 6, lines 5 and 16, "16" has been stricken and "51" inserted;

(3) In the Schmit amendments, page 34, line 2, "51" has been stricken and "62" inserted; in line 12, "and" has been stricken; and at the end of line 14, "71-2017, 71-2017.01, 71-2017.02, and 71-2018," has been inserted;

(4) On page 27, line 15, "and sections 51 to 59 of this act" has been inserted;

(5) In the title, lines 3 to 13 have been stricken and "sections 2-3517, 2-3520, 54-1902, 54-1906, 54-1911, 54-1912, 71-2017, 71-2017.01, 71-2017.02, and 71-2018, Reissue Revised Statutes of Nebraska, 1943, and section 59-1617, Revised Statutes Supplement, 1980, and also sections 41-101 to 41-130, 81-217 to 81-217.09, 81-217.11 to 81-217.14, 81-217.16 to 81-217.28, 81-2,111 to 81-2,119, 81-2,122 to 81-2,124, 81-2,127, 81-2,129, 81-2,132, 81-2,133, 81-2,134.01, 81-2,134.03 to 81-2,134.11, and 81-2,181 to 81-2,184, Reissue Revised Statutes of Nebraska, 1943, sections 81-217.10, 81-217.15, 81-2,120, 81-2,121, 81-2,134, and 81-2,185, Revised Statutes Supplement, 1980, and section 2-2390, Revised Statutes Supplement, 1980, as amended by section 3, Legislative Bill 333, Eighty-seventh Legislature, First Session, 1981; to adopt the Nebraska Pure Food Act; to redesignate certain facilities and clarify provisions; to harmonize with other legislation; to define terms; to provide for the licensing and regulation of boarding homes as prescribed; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.".

Enrollment and Review Changes to LB 487A

The following changes, required to be reported for publication in the Journal, have been made:

(1) In the title, line 1, "relating to appropriations;" has been inserted after "ACT", and in line 5, "to amend section 6, Legislative Bill 559, Eighty-seventh Legislature, First Session, 1981; to charge appropriations to certain state agencies; to repeal the original section; and to declare an emergency" has been inserted after "1981".

Enrollment and Review Changes to LB 552

The following changes, required to be reported for publication in the Journal, have been made:

(1) In the Dworak amendment an underscored comma has been inserted after "Jefferson" in line 5, "Merrick" and "Nance" in line 4, and after "Chase" in line 7.

(2) On page 2, line 19, the underscored comma after "Sarpy" has been deleted.

(Signed) Emory P. Burnett
E & R Attorney

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 111, 118, 129, 129A, 523, 556, 556A, 213, 318, 389, and 389A.

VISITORS

Visitors to the Chamber were Mr. and Mrs. John Redman from Boulder Creek, California; Rolf Sturzenegger from St. Gallen, Switzerland; and 27 third and fourth grade students, teacher, and sponsors from Pleasant Dale.

ADJOURNMENT

At 7:03 p.m., on a motion by Mr. Goll, the Legislature adjourned until 9:00 a.m., Thursday, May 28, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-NINTH DAY - MAY 28, 1981
LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

EIGHTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 28, 1981

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Miss Kilgarin, Messrs. Newell, and Stoney who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2318, insert record vote on the override of Governor's veto on LB 39A.

Voting in the affirmative, 31:

Barrett
Beyer
Burrows
Chronister
Cullan
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Marsh
Marvel
Newell
Nichol
Peterson, R.
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 14:

Beutler
Cope
DeCamp
Dworak
Haberman
Kremer
Lamb
Maresh
Peterson, H.
Pirsch
Remmers
Rumery
Stoney
Warner

Present and not voting, 3:

Carsten	Clark	Landis

Excused and not voting, 1:

Chambers

The Journal for the Eighty-Eighth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 322 and 548.

(Signed) Karen Kilgarin, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 28, 1981, at 8:40 a.m., were the following bills: 111, 118, 129, 129A, 523, 556, 556A, 213, 318, 389, and 389A.

(Signed) Hazel Kaltenberger, Enrolling Clerk

ATTORNEY GENERAL'S OPINION

Opinion No. 112
May 27, 1981

Dear Senator Beutler:

This is in response to your letter of May 22, 1981, concerning the constitutionality of LB 472A, as presently amended, under Article III, section 14 of the Nebraska Constitution. The relevant portion of this section provides that: "No such vote upon the final passage of any bill shall be taken, however, until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day."

LB 472A as originally introduced was "an act to appropriate funds to aid in carrying out the provisions of Legislative Bill 472. . . ." LB 472 in turn provided for the continued authority to purchase liability insurance for members of the State Board of Education, the Commissioner of Education, and employees of the State Department of Education, by amending Neb.Rev.Stat. §79-329.01 (Supp. 1980). On May 22, 1981, the eighty-sixth day of the current legislative session, LB 472A was amended, by striking the original section and inserting five new sections. In addition the title was stricken and changed as follows: "A]n act to amend sections 79-1233 and 79-1701, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide an exemption from certain requirements; to provide duties; to provide for termination; and to repeal the original sections." The statutes to be amended deal with mandatory requirements for schools in Nebraska. The only similiarity remaining between LB 472A, as currently amended, and as originally drafted is the designation LB 472A.

The Nebraska Supreme Court in dealing with substantial amendments to legislative bills and the constitutional time requirements for their introduction has stated that, "Our court has held that a substitute bill which is germane to the original is not a new bill." State ex rel. Davis v. Cox, 105 Neb. 75, 81, 178 N.W. 913 (1920), and that, "When a bill has been introduced in the legislature within the time limited by the Constitution for the introduction of bills, amendments that are germane to the subject matter of such bill may be made after such time limit has expired." Pierson v. Faulkner, 134 Neb. 865, 872, 279 N.W. 813 (1938). See also, Chittenden v. Kibler, 100 Neb. 756, 161 N.W. 272 (1917). Likewise in State v. Ryan, 92 Neb. 636, 644, 645, 139 N.W. 235 (1912), the court noted that, "The legislature has full control over the passage of bills, and may amend the same and the title to the same at any time permitted by its rules during their progress through the legislature. If the amendment is germane to the subject of the original bill, and not an evident attempt to evade the constitution, the fact that the time limit for new bills has expired is immaterial." The obvious implication of these rulings is that where new legislation is substituted for an original bill by way of amendment, and that legislation bears no relationship to the original bill, it will be recognized for what it really is, and the constitutional time restrictions for the introduction of new legislation will be applied to it. This was in essence the reasoning of the court in Nebraskans for Independent Banking, Inc. v. The Omaha National Bank, 423 F.Supp. 519 (D.Neb. 1976), where "The Court holds only that the Amendment was not germane to the original bill and was not before the Legislature for five legislative days as required by the Nebraska Constitution."

LB 472A, as it is presently amended, can hardly be said to be germane to the orignal form of that bill. In the first place it is not an appropriations bill, and secondly deals with entirely different subject matter, based upon completely different statutory references. In reality, despite the label of LB 472A, what we have here is an entirely new legislative bill. In light of the above decisions and the obvious nature of LB 472A, as presently amended, it is our opinion that any attempt to pass this legislation, considering of course that there were only four legislative days remaining after the introduction of this "amendment", would be in violation of the five day requirement concerning the introduction of new legislation contained in Article III, section 14 of the Nebraska Constitution.

We do not, however, agree with the suggestion that LB 472A, as amended, violates the constitutional restriction which prohibits any bill from containing more than one subject, also found in Article III, section 14 of the Nebraska Constitution. While LB 472A, as amended, is entirely different than its original form, the amended version essentially deals with only one subject.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

REPORT

Received report on Request for Construction Contract Approval for the Review of Construction Contract for Site Preparation for the Omaha Correctional Center.

RESOLUTION

LEGISLATIVE RESOLUTION 192.

Introduced by Rumery, 42nd District.

WHEREAS, agricultural research conducted in Nebraska has a major impact on the nutrition of the population of this nation and of the world; and

WHEREAS, Virgil A. Johnson, a Nebraska native, has been a United States Department of Agriculture research agronomist at Lincoln since 1954; and

WHEREAS, on May 28, 1981, Virgil Johnson receives the United States Department of Agriculture's highest honor, the Distinguished Service Award, in recognition of his research on breeding wheat for nutrition and yield; and

WHEREAS, Virgil Johnson has pioneered wheat-breeding research to increase its protein content and has been responsible for helping develop nineteen improved hard red winter wheat varieties; and

WHEREAS, Virgil Johnson has also organized and supervised an international wheat evaluation network in forty countries which has helped to establish communication among wheat breeders throughout the world.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature acknowledges Virgil Johnson's many contributions in the area of wheat research and extends its congratulations to him for receiving the United States Department of Agriculture's highest honor.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 322 and 548.

MOTION - Approve Appointments

Mr. Fowler moved the adoption of the report of the Nebraska Retirement Systems Committee found in the Journal on page 2194: Public Employees Retirement Board - Marguerite H. Edholm, Charles O. Morehouse.

Voting in the affirmative, 31:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Kahle
Koch
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Von Minden
Warner

Voting in the negative, 0.

Present and not voting, 15:

Chambers
Clark
Cullan
Higgins
Hoagland
Kremer
Labedz
Lamb
Landis
Schmit
Sieck
Vickers
Wagner
Wesely
Wiitala

Excused and not voting, 3:

Kilgarin
Newell
Stoney

The appointments were confirmed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Koch moved the adoption of the report of the Education Committee found in the Journal on page 2264: Safety Center Advisory Council - Fred Zwonecheck, Gary Lund, John Ward, Gary Sims, Honorable Glen Fiebig, Bob Gunderson, Charles Fairbanks, Duane Schmidt, Rollin Schneider; Educational Television Commission - Roger Bailey; Postsecondary Education Coordinating Commission - Wendall Wood, Beth Klosterman.

Voting in the affirmative, 30:

Beutler
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Goll
Goodrich
Haberman
Johnson, L.
Kahle
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Vickers
Von Minden
Warner

Voting in the negative, 0.

Present and not voting, 16:

Barrett
Chambers
Clark
Fowler
Hefner
Higgins
Hoagland
Johnson, V.
Labedz
Pirsch
Rumery
Schmit
Sieck
Wagner
Wesely
Wiitala

Excused and not voting, 3:

Kilgarin
Newell
Stoney

The appointments were confirmed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Wagner moved the adoption of the report of the Agriculture and Environment Committee found in the Journal on page 1840: Environmental Control Council - Carl G. Swanson, Jr., Ted Regier.

Voting in the affirmative, 31:

Beutler
Beyer
Burrows
Carsten
Clark
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Remmers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 15:

Barrett
Chambers
Chronister
Dworak
Goodrich
Haberman
Higgins
Koch
Labedz
Peterson, R.
Pirsch
Rumery
Schmit
Sieck
Vickers

Excused and not voting, 3:

Kilgarin
Newell
Stoney

The appointments were confirmed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 193.

Introduced by R. Peterson, 21st District; Kahle, 37th District; Nichol, 48th District; Wagner, 41st District; Hefner, 19th District; Warner, 25th District; Rumery, 42nd District; Schmit, 23rd District; Vickers, 38th District; Carsten, 2nd District; Maresh, 32nd District; Lamb, 43rd District; Sieck, 24th District.

WHEREAS, Mr. Alfred Maronde contributed tirelessly to the promotion of Gasohol, serving on both the Nebraska Gasohol Committee and the National Gasohol Commission; and

WHEREAS, Mr. Alfred Maronde was instrumental in furthering the goals of Nebraska agriculture through his active membership in the Nebraska Farmers Union, including over nine years as President of the York County Farmers Union, and many years of service on the Nebraska Agricultural Council; and

WHEREAS, Mr. Alfred Maronde was a well liked and respected member of the community, a good farmer and a good citizen; and

WHEREAS, Mr. Alfred Maronde departed from this life May 18, 1981.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its sympathies to the family of Mr. Alfred Maronde and gratefully acknowledges his contribution to agriculture and the people of the State of Nebraska.
2. That a copy of this resolution be presented to the family of Mr. Alfred Maronde.

Laid over.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 138.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to provide for the salaries of members as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the primary election in May, 1982, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 7, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 7. At the general election to be held in November, 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature; Provided, that when the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary as provided by law in an amount not more than one-third of the salary received by the Governor at the time such amount is established. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.''.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> ''Constitutional amendment to provide that members of the Legislature shall receive a salary of not more than one-third of the Governor's salary.
> For
> Against''.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 40:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Landis
Maresh
Marsh
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 8:

Carsten
Clark
Cope
Hefner
Lamb
Nichol
Stoney
Von Minden

Excused and not voting, 1:

Kilgarin

A constitutional four-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Bracket LB 512

Mr. H. Peterson moved to bracket LB 512.

Mr. Fowler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The H. Peterson motion to bracket lost with 10 ayes, 27 nays, and 12 present and not voting.

MOTION - Return LB 512 to Select File

Mr. H. Peterson moved to return LB 512 to Select File for the following specific amendment:
1. Page 41, line 5, strike "January" and insert "July".

Mr. Fowler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The H. Peterson motion to return lost with 10 ayes, 25 nays, and 14 present and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 512.

A BILL FOR AN ACT to adopt the Nebraska Construction Lien Act; to provide duties of the Revisor of Statutes; to provide an operative date; and to repeal sections 52-101 to 52-114, 52-121, and 52-122, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman

Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Peterson, R.
Pirsch
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 7:

Clark
Cope
Johnson, L.
Kremer
Nichol
Peterson, H.
Remmers

Present and not voting, 1:

Burrows

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 28, 1981, at 9:20 a.m., were the following bills: 322 and 548.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS

Rules

The Rules Committee met Wednesday, May 27, 1981 where it was moved to amend and advance the change to Rule 7, (C) Sec. 3 (a) to the floor of the Legislature for consideration. This rule change was advanced by a vote of 4 to 0.
VOTE: For: Wesely, Beutler, Sieck, Kahle. Absent: Newell.
Rule 7, (C), Sec. 3(a)

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

a. Motion to postpone indefinitely on General File or Select File, unless the introducer(s) of the bill, or the committee chairperson in the case of committee bills, request(s) that the motion to postpone indefinitely be considered immediately, without the one day delay.

(Signed) Don Wesely, Chairperson

MOTION - Rule Change

Mr. Newell moved to amend Rule 6, Section 8 (c), as follows:
(c) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members. ~~Provided, however, if the proposed amendment be to add the emergency clause, it may only be adopted by a vote of two thirds of the elected members.~~

Referred to the Rules Committee.

EXPLANATIONS OF VOTES

If I had been present, I would have voted AYE for LB 138CA.

(Signed) Karen Kilgarin

Had I been present, I would have voted as follows on final reading (5-27-81): Nay on LB 111, Aye on LB's 118, 129, 129A, 523, 548, 556, 556A, 213, 318, 322, 389, and 389A.

(Signed) Jerry Koch

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 466. With Emergency.

A BILL FOR AN ACT to amend section 71-2017.01, Reissue Revised Statutes of Nebraska, 1943, and section 71-148, Revised Statutes Supplement, 1980, relating to public health; to define acts of unprofessional conduct; to require licensing of certain clinics; to provide for notice and waiver thereof; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Barrett
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Maresh
Marvel
Newell
Nichol

Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner

Voting in the negative, 9:

Chambers
Fowler
Goll
Hoagland
Johnson, V.
Landis
Marsh
Wesely
Wiitala

Present and not voting, 3:

Beutler
Clark
Koch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 376.

A BILL FOR AN ACT to amend sections 8-157 and 8-903, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to remove a restriction on the location of auxiliary teller offices; to redesignate such offices; to authorize the making of loans from such offices; to authorize certain acquisitions by bank holding companies as prescribed; to provide severability; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 25:

Beutler
Burrows
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goodrich
Haberman
Hoagland
Koch
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Pirsch
Schmit
Stoney
Wesely
Wiitala
Lt. Gov. Luedtke

Voting in the negative, 24:

Barrett
Beyer
Carsten
Chronister
Clark
Dworak
Goll
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Lamb
Maresh
Peterson, R.
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Warner

Present and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Speaker Marvel moved to suspend the rules, Rule 6, Sec. 7 (b) to permit consideration of the following bills on Final Reading: 216, 243, 320, 406, 551, 553, and 554.

The motion prevailed with 32 ayes, 0 nays, and 17 present and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 216. With Emergency.

A BILL FOR AN ACT to amend sections 75-359, 81-1502, 81-1505, and 81-1508, Revised Statutes Supplement, 1980, relating to environmental protection; to provide for hazardous waste management as prescribed; to change provisions relating to solid waste disposal; to provide for permits as prescribed; to provide penalties; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 243. With Emergency.

A BILL FOR AN ACT to amend section 2-3234, Reissue Revised Statutes of Nebraska, 1943, relating to natural resources districts; to restrict the power of eminent domain as prescribed; to provide for termination of certain provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 24:

Beutler
Beyer
Burrows
Chambers
Chronister
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Higgins
Johnson, L.
Kahle
Lamb
Maresh
Marvel
Newell
Peterson, R.
Remmers
Schmit
Stoney
Von Minden
Wesely

Voting in the negative, 21:

Barrett
Carsten
Clark
Cope
Dworak
Haberman
Hefner
Hoagland
Johnson, V.
Kilgarin
Kremer
Landis
Marsh
Nichol
Peterson, H.
Pirsch
Sieck
Vickers
Wagner
Warner
Wiitala

Present and not voting, 4:

Goodrich
Koch
Labedz
Rumery

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Mr. Schmit requested a roll call vote.

Voting in the affirmative, 24:

Beutler
Beyer
Burrows
Chambers
Chronister
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Higgins
Johnson, L.
Kahle
Labedz
Lamb
Maresh
Marvel
Peterson, R.
Remmers
Schmit
Stoney
Von Minden
Wesely

Voting in the negative, 23:

Barrett
Carsten
Clark
Cope
Dworak
Goodrich
Haberman
Hefner
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Landis
Newell
Nichol
Peterson, H.
Pirsch
Sieck
Vickers
Wagner
Warner
Wiitala

Present and not voting, 2:

Marsh
Rumery

Having failed to receive a constitutional majority voting in the affirmative with the emergency clause stricken, the bill failed to pass.

LEGISLATIVE BILL 320. With Emergency.

A BILL FOR AN ACT relating to schools; to amend sections 79-2650, 79-2650.07, 85-948, and 85-963, Revised Statutes Supplement, 1980; to change provisions relating to a Technical Community College Board's power to levy and expend taxes; to modify a prohibition on certain expenditures; to change provisions relating to transfer degree programs at technical community colleges; to change an advisory committee; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 37:

Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Marvel

Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 12:

Burrows
Chambers
Cullan
Dworak
Haberman
Johnson, L.
Lamb
Maresh
Newell
Pirsch
Stoney
Von Minden

Not voting, 0..

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Rule Change

Mr. Wiitala moved to change the rules of the legislature by adding the following language to Rule 7, Sec. 2, paragraph (b): "Only Senators physically in the legislative chamber may vote."

Referred to the Rules Committee.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 138, 512, 466, 376, and 216.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 406.

A BILL FOR AN ACT relating to apportionment; to establish boundaries for legislative districts as prescribed; and to repeal sections 5-104.07 to 5-104.10, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 3:

Cullan
Dworak
Newell

Present and not voting, 2:

Chambers
Peterson, H.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 551.

A BILL FOR AN ACT relating to apportionment; to amend sections 5-107 and 5-107.01, Reissue Revised Statutes of Nebraska, 1943; to reapportion the state for public service commissioner districts; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 3:

Chambers
Labedz
Peterson, H.

Excused and not voting, 1:

DeCamp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 553.

A BILL FOR AN ACT relating to apportionment; to amend sections 85-103.01 and 85-103.02, Reissue Revised Statutes of Nebraska, 1943; to reapportion the state for Board of Regents districts; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Labedz
Landis

Excused and not voting, 1:

DeCamp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 554.

A BILL FOR AN ACT relating to apportionment; to amend sections 79-322.01 and 79-322.02, Reissue Revised Statutes of Nebraska, 1943; to reapportion the state for State Board of Education districts; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 1:

DeCamp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 28, 1981, at 11:05 a.m., were the following bills: 138, 512, 466, 376, and 216.

(Signed) Hazel Kaltenberger, Enrolling Clerk

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 320, 406, 551, 553, and 554.

RESOLUTIONS

LEGISLATIVE RESOLUTION 180. Read. Considered.

LR 180 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 188. Read. Considered.

LR 188 was adopted with 34 ayes, 0 nays, and 15 not voting.

LEGISLATIVE RESOLUTION 189. Read. Considered.

Mr. Newell moved to refer LB 364 and LR 189 to the Public Works Committee for an interim study.

Mr. Chambers requested a ruling of the Chair on whether the motion is properly before us.

The Chair ruled the portion of the motion pertaining to referring LB 364 to Public Works Committee be stricken from the motion.

Mr. Dworak asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell asked unanimous consent to withdraw his motion. No objections. So ordered.

Mr. Wiitala and Mrs. Higgins asked unanimous consent to have their names withdrawn as co-sponsors of LR 189. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LR 189.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers motion to indefinitely postpone LR 189 lost with 9 ayes, 17 nays, 22 present and not voting, and 1 excused and not voting.

LR 189 pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 28, 1981, at 11:30 a.m., were the following bills: 320, 406, 551, 553, and 554.

(Signed) Hazel Kaltenberger, Enrolling Clerk

VISITORS

Visitors to the Chamber were Paul Kalmanovitz, Jack Miller, Bernie Orsi, and Marv Bowerman from California; 24 eighth grade students and teacher from Lewis-Clark Junior High, Omaha; a 4-H group and sponsors from Arcadia; Clint Morrison, Joe Huckfelt, Fred Masek, and Bill Cannon from Gering and Scottsbluff; 15 students and sponsors from Farmers Union of Nebraska; and 58 fourth grade students, teachers, and sponsors from Blumfield Elementary School, Ralston.

RECESS

At 11:59 a.m., on a motion by Mr. Newell, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:06 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Nichol, and Mrs. Pirsch who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 189. Considered.

Mr. Dworak asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell moved for a Call of the House. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Newell requested a roll call vote on the adoption of LR 189.

Voting in the affirmative, 25:

Burrows
Chronister
Clark
Cullan
Fitzgerald
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Labedz
Lamb
Newell
Peterson, H.
Pirsch
Sieck
Stoney
Von Minden
Warner
Wiitala

Voting in the negative, 12:

Barrett
Carsten
Chambers
DeCamp
Fenger
Fowler
Landis
Maresh
Marvel
Schmit
Vickers
Wesely

Present and not voting, 10:

Beyer
Cope
Kilgarin
Kremer
Marsh
Nichol
Peterson, R.
Remmers
Rumery
Wagner

Excused and not voting, 2:

Beutler
Dworak

LR 189 was adopted with 25 ayes, 12 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE RESOLUTION 190. Read. Considered.

Messrs. Hoagland and Landis asked unanimous consent to have LR 190 laid over. No objections. So ordered.

LEGISLATIVE RESOLUTION 191. Read. Considered.

LR 191 was adopted with 27 ayes, 3 nays, and 19 not voting.

MOTION - Suspend Rules

Mr. Marvel moved to suspend the rules, Rule 4, Sec. 6, in order to consider LR 194 today.

The motion prevailed with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Hoagland asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 194. Read. Considered.

LR 194 was adopted with 38 ayes, 0 nays, and 11 not voting.

LEGISLATIVE RESOLUTION 146. Read. Considered.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Koch moved for a Call of the House. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

Mr. Koch requested a roll call vote on the adoption of LR 146.

Voting in the affirmative, 28:

Barrett
Beyer
Carsten
Cope
Dworak
Fitzgerald
Fowler
Goll
Goodrich
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 8:

Clark
Hefner
Johnson, L.
Kahle
Lamb
Maresh
Peterson, H.
Schmit

Present and not voting, 6:

Burrows
Chronister
Fenger
Higgins
Marvel
Peterson, R.

Excused and not voting, 3:

Beutler DeCamp Hoagland

Absent and not voting, 4:

Chambers Cullan Haberman Kremer

LR 146 was adopted with 28 ayes, 8 nays, 6 present and not voting, 3 excused and not voting, and 4 absent and not voting.

The Chair declared the Call raised.

MOTION - Rule Changes

Mr. Warner renewed his pending rule change found in the Journal on page 298 which is as follows:
1. Amend subsections (a), (e), and (g) of Sec. 6 of Rule 5 to read as follows:

"(a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File the fiscal note shall set forth the fiscal impact of the bill and the government subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact ~~of more than five thousand dollars~~ shall be heard by a committee or considered on General File unless the fiscal note is attached.

(e) When amendments to a bill are adopted by ~~a committee or~~ the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note each time the bill is advanced to Enrollment and Review or upon the written request of an member of the Legislature.

(g) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation ~~of $50,000 or more~~ to implement in the ensuing fiscal year , an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairman of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading."

2. Strike subsection (f) of Sec. 6 of Rule 5 and renumber remaining subsections (g) to (l) as subsections (f) to (k) respectively.

Mr. V. Johnson requested a division of the question on the proposed rule changes.

The Chair sustained the division.

The first rule change is as follows:

1. Amend subsections (a), (e), and (g) of Sec. 6 of Rule 5 to read as follows:

"(a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File the fiscal note shall set forth the fiscal impact of the bill and the government subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact ~~of more than five thousand dollars~~ shall be heard by a committee or considered on General File unless the fiscal note is attached.

(e) When amendments to a bill are adopted by ~~a committee or~~ the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note each time the bill is advanced to Enrollment and Review or upon the written request of an member of the Legislature.

The proposed rule change lost with 9 ayes, 14 nays, 24 present and not voting, and 2 excused and not voting.

VISITORS

Visitors to the Chamber were Dick Hanson; Dr. Rodney Wilmoth; and Mark Edgar and Karl Henderson from Lincoln.

ADJOURNMENT

At 3:46 p.m., on a motion by Mr. H. Peterson, the Legislature adjourned until 9:00 a.m., Friday, May 29, 1981.

Patrick J. O'Donnell
Clerk of the Legislature

NINETIETH DAY - MAY 29, 1981

LEGISLATIVE JOURNAL

NINETIETH DAY - MAY 29, 1981

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

NINETIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 29, 1981

Pursuant to adjournment, the Legislature met at 9:06 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. John Schmeltzer, Associate Pastor of First Plymouth Congregational Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Goodrich and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2378, after line 10 add:

LEGISLATIVE RESOLUTION 194.

Introduced by Clark, 47th District; Marvel, 33rd District.

WHEREAS, there is presently pending in the House Ways and Means Committee legislation which would extend and make permanent a provision in the tax code that allows state legislators to deduct per diem expenses when filing federal income tax returns, and

WHEREAS, by not passing legislation it increases the likelihood that state legislators will be subjected to deficiency assessments by IRS for income they have received in the past few years which has come to them in the form of per diem allowance, and

WHEREAS, currently HR2605 introduced by Matsui and Gibbons of Florida will correct this problem as well as address a U.S. Tax Court decision which places a heavy burden for those who maintain two residences during the legislative session.

NOW, THEREFORE BE IT RESOLVED, that the Legislature urge their congressional delegation and the House Ways and Means Committee to support HR2605.

Laid over.

The Journal for the Eighty-Ninth Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

May 28, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 320 and 472 were received in my office.

These bills were signed by me on May 28, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 29, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 111, 118, 213, 216, 512, 523, 551, 553, 554, 556, and 556A have been received in my office.

These bills were signed by me on May 28, 1981 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 28, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

In keeping with established policy, I have forwarded proposed Constitutional amendment LB 138 to the Secretary of State without action.

Respectfully,
(Signed) CHARLES THONE
Governor

CT:mh

May 28, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bill 506 was received in my office May 22nd.
This bill was signed by me on May 28, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 28, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning herewith LB 506A with my line item reductions and with my signature.

The $500,000 for the University Medical Center's Eppley Institute as provided in Section 1 of LB 506A has been allowed. University Medical Center staff have indicated that this amount is necessary to maintain the viability of the Institute. The amount of research grant funding in Section 3 has been reduced to $400,000.

Your support in sustaining my line item reductions is sincerely appreciated.

Respectfully,
(Signed) CHARLES THONE
Governor

CT:dld

ATTORNEY GENERAL'S OPINIONS

Opinion No. 113
May 28, 1981

Dear Senator Beutler:

You have requested an opinion from this office in connection with possible constitutional problems inherent in LB 321. The same is hereinafter discussed.

LB 321 is also known and cited as the Nebraska Educational Facilities Authority Act. If it were to become operative law, LB 321 would create a body politic to be known as the Nebraska Educational Facilities Authority (hereinafter, "Authority"). The Authority, which would consist of five members to be appointed by the Governor for a specific term, would be constituted a public instrumentality and the exercise by the Authority of the powers conferred by this legislative bill would be deemed and held to be the performance of an essential public function of the state. Section 10 of LB 321.

The stated purpose of the authority is to assist private institutions of higher education in constructing, financing, and refinancing of "projects." Section 18 of LB 321. The word "project" is a word of art and would unduly extend the length of this opinion to quote it verbatim. In general, the word "project" can be cursorily defined as any property constructed or acquired before or after the effective date of LB 321 that may be used or will be used in connection with the operation of a private institution of higher education. Section 5 of LB 321. To assist it in carrying out its stated purpose, the Authority would be authorized to make loans and to issue bonds for the purpose of paying, refinancing, or reimbursing all or any part of the cost of a "project." Sections 24, 30, and 38 of LB 321. In connection therewith, section 44 of LB 321 specifically provides that bonds issued pursuant to this legislative bill shall not be deemed to constitute a debt of the state or any political subdivision thereof or a pledge of the faith and credit of the state or of any political subdivision. The Authority would also be authorized to acquire property, real or personal, and to take title thereto in the name of the Authority or in the name of a private institution of higher education as its agent.

It can hardly be doubted that the effect of LB 321 is to give private institutions of higher education substantial benefits through the offices of the Authority, a state agency. For example, section 38 of LB 321 provides "Neither the members of the authority nor any person executing the bonds shall be liable personally on the bonds or to be subject to any personal liability or accountability by reason of the issuance thereof." There are other benefits to private institutions of higher education. Section 51 of LB 321 provides that the State of Nebraska agrees with the holders of any obligations issued under this legislative bill that "the state will not limit or alter the rights hereby vested in the authority until such obligations, together with the interest thereon, are fully met and discharged."

In State ex rel. Beck v. City of York, 164 Neb. 223, 82 N.W. 2d 269 (1957), the court stated:

> The loan of its name by a city to bring about a benefit to a private project, even though general liability does not exist, is nothing short of a loan of its credit. The use of the city as the payer of the bonds is intended to give respectability to them because of the general acceptability of cities as a source of bond issues in financial markets. It is a loan of the credit of the city within the meaning of the constitutional prohibition.

It would seem, by analogy, that the loan of the name of a state agency, the Authority, to issue and pay bonds pursuant to LB 321 is likewise a loan of the credit of the State of Nebraska and therefore is prohibited by section 3 of Article XIII, Constitution of Nebraska.

Many of the private institutions of higher education that would be brought under the umbrella of LB 321 are, of course, affiliated with a religious order. Thus there is a serious question as to whether LB 321 is in violation of the establishment clause, or perhaps even the free exercise clause of the First Amendment of the Constitution of the United States. Time simply will not permit an extended discussion, but certainly there is a serious question of excessive entanglement between the Authority and sectarian institutions. The concern over "excessive entanglement" has been that close association between the religious order and the state would lead to an impermissible emphasis upon religious doctrines and materials. See, for example, Lemon v. Kurtzman, 403 U.S. 602 (1971). Thus in issuing bonds or making loans or acquiring property for private institutions of higher education a court could find that it results in "excessive entanglement" which is detrimental to both the state and the religious order.

The above are just some of the constitutional problems inherent in LB 321. There are undoubtedly others, depending upon specific facts in a specific case.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 114
May 28, 1981

Dear Senator Hoagland:

This is in response to your letter of May 22, 1981, requesting an opinion as to the constitutionality of the final reading copy of LB 213. In an earlier opinion from this office dated May 11, 1981, it was noted that several provisions of an earlier version of LB 213 were "constitutionally suspect." The present version of LB 213 has been substantially revised and potential defects noted in our previous opinion have essentially been corrected. It thus appears that the constitutionality of LB 213 in its present form can be successfully defended.

Very truly yours,
(Signed) Paul L. Douglas
Attorney General

PLD:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 195.

Introduced by Koch, 12th District.

WHEREAS, the Legislature is directed by the Nebraska Constitution to provide for the free instruction in the common schools of this state between the ages of five and twenty-one years; and

WHEREAS, the Legislature has deemed to carry out its constitutional directive by establishing laws and policies related to schools pursuant to Chapter 79, Revised Statutes of Nebraska; and

WHEREAS, the affairs of a school district created by Chapter 79 shall be conducted by its Board of Education based on the authority granted by Chapter 79; and

WHEREAS, recent published statements by the President of the Board of Education of the Omaha Public Schools have been aimed at directing and establishing statewide policy and have impugned the management of other school systems in terms of economic and educational efficiency; and

WHEREAS, the Legislature increased state assistance to the Omaha Public Schools in the 1980-81 school year in the amount of $6 million; making the total in excess of $17 million, in order to provide property tax relief and support of Omaha's educational program, while a locally imposed zero budget lid was in effect; and

WHEREAS, the Legislature has adopted LB 17 which removes the current locally imposed zero budget lid on the Omaha Public Schools.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature urges members of the Board of Education of the Omaha Public Schools to direct their efforts and energies to the affairs of their district as authorized by law.
2. That the Legislature urges the members of the Board of Education of the Omaha Public Schools to refrain from making statements which impugn the integrity and character of other public school boards of education.
3. That the Legislature reaffirms its' Constitutional obligation related to the role and mission of the public schools in the state.

Laid over.

LEGISLATIVE RESOLUTION 196.

Introduced by Wesely, 26th District; Hoagland, 6th District; Fowler, 27th District; Beutler, 28th District.

WHEREAS, the Lincoln City Council will consider a zoning variance on Monday, June 1, 1981, which will impact upon the Nebraska Capitol environs; and

WHEREAS, the Nebraska Capitol Environs Advisory Planning Committee, which was composed of representatives from the City of Lincoln, Lancaster County, and the State of Nebraska, developed the Urban Design Plan for the Nebraska Capitol Environs; and

WHEREAS, the purpose of the advisory committee and the plan which they have developed is to advise the local and state governmental agencies in regard to the design and control of development and use of the Capitol environ; and

WHEREAS, the Urban Design Plan for the Nebraska Capitol Environs remains a proper guideline for the development of the capitol environs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recommends to the Lincoln City Council that the Council insure the preservation of the Nebraska Capitol environs and maintain the goals and policies of the Urban Design Plan for the Nebraska Capitol Environs.
2. That the Clerk of the Legislature send copies of this resolution to all members of the Lincoln City Council.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 146, LR 180, LR 188, LR 189, LR 191, and LR 194.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of May 28, 1981. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Boyle, Michael - Omaha, (Withdrawn 1/31/81), Nebraska Broadcasters Association

Fraizer, T. J. - Lincoln, American Reciprocal Insurance Association (Withdrawn 5/27/81)

McCullough, Rose A. & Associates - Lincoln, Nebraska SandHills Resource Council

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 95.

A BILL FOR AN ACT relating to mental health commitments; to amend sections 83-312, 83-339, 83-340, 83-340.01, 83-1011, 83-1016, 83-1017, 83-1018, 83-1024, 83-1026, 83-1027, 83-1028, 83-1029, 83-1035, 83-1036, 83-1048, 83-1049, 83-1053, 83-1056, 83-1058, 83-1059, and 83-1060, Reissue Revised Statutes of Nebraska, 1943, and sections 83-1037 and 83-1044, Revised Statutes Supplement, 1980; to provide duties; to change procedures; to redefine a term; to provide severability; and to repeal the original sections, and also sections 83-342, 83-1031 to 83-1033, and 83-1063, Reissue Revised Statutes of Nebraska, 1943, and sections 83-1030 and 83-1034, Revised Statutes Supplement, 1980.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Barrett
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Maresh
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Stoney
Vickers
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 11:

Beutler
Chambers
Clark
Fowler
Goll
Hoagland
Johnson, V.
Landis
Marsh
Nichol
Sieck

Present and not voting, 1:

Wagner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 95A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 95, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Barrett
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Maresh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Stoney
Vickers
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 8:

Beutler
Chambers
Clark
Fowler
Goll
Hoagland
Landis
Marsh

Present and not voting, 3:

Marvel
Sieck
Wagner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 172.

A BILL FOR AN ACT to amend section 66-410.06, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410.04, 66-474, 66-475, 66-476, 66-605.02, and 66-605.03, Revised Statutes Supplement, 1980, relating to taxes on motor vehicle fuels; to change provisions relating to the establishment of rates; to change provisions relating to the payment of motor fuel taxes; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Von Minden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 218.

A BILL FOR AN ACT relating to schools; to amend sections 71-1559 and 73-106, Revised Statutes Supplement, 1980; to make an exception from certain manufactured housing unit requirements; to provide for the acquisition and sale of certain real property as prescribed; to provide conditions; to provide an exception to bidding requirements; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis

Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 234.

A BILL FOR AN ACT to amend section 48-122, Revised Statutes Supplement, 1980, relating to workmen's compensation; to increase certain payments; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 234A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 234, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Maresh
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Kremer
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 285.

A BILL FOR AN ACT relating to motor vehicles; to redefine terms; to make various changes in the rules of the road; to provide duties; to change provisions respecting temporary detours; to amend sections 39-1309, 39-1315.01, and 60-2101.01, Reissue Revised Statutes of Nebraska, 1943, and sections 39-602 (51), 39-6,177, 39-6,181, and 60-301 (27), Revised Statutes Supplement, 1980; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wiitala

Voting in the negative, 9:

Beutler
Dworak
Fitzgerald
Kilgarin
Newell
Pirsch
Stoney
Warner
Wesely

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 302.

A BILL FOR AN ACT relating to public power; to require a state twenty-year power supply plan, annually updated; to require a state research and conservation report, annually updated; to provide duties for the Nebraska Power Review Board; to amend section 70-623, Reissue Revised Statutes of Nebraska, 1943; to eliminate an obsolete reference; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Barrett
Beutler
Beyer
Burrows
Chambers
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Maresh
Marsh
Newell
Peterson, H.
Schmit
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 10:

Clark
Goodrich
Hefner
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Von Minden

Present and not voting, 2:

Carsten
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Bracket LB 321

Mr. Beutler moved to bracket LB 321 to a time uncertain.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 5 nays, and 15 not voting.

The Beutler motion to bracket lost with 20 ayes, 27 nays, and 2 present and not voting.

MOTION - Return LB 321 to Select File

Mr. Warner moved to return LB 321 to Select File for the following specific amendment:

1. Add the following new sections:

"Sec. 57. The Legislature finds and declares that the high rates of interest charged by lenders seriously restrict the availability of credit and have resulted in decreased business activity and production causing substantial unemployment and personal hardship.

There exists in this state an inadequate supply of, and pressing need for, credit and loan financing at interest rates which are consistent with the needs of the people of Nebraska and their enterprises.

A governmental body should be created for the purpose of making loans available at interest rates lower than those available in the conventional credit markets. Creation of such a governmental body for the purpose of making loans at interest rates lower than those available in conventional credit markets is essential to alleviating the conditions described in this section and is in the public interest.

Alleviating the conditions and problems set forth in this section, by the encouragement of private investment, through a governmental body, is a public purpose and use for which public money provided by the sale of revenue bonds may be borrowed, expended, advanced, loaned, and granted. Such activities are proper governmental functions and can best be accomplished by the creation of a governmental body vested with the powers and duties specified in sections 57 to 79 of this act. The necessity for the provisions of sections 57 to 79 of this act to protect the health, safety, and general welfare of all the people of this state is hereby declared as a matter of legislative determination. The governmental body created by sections 57 to 79 of this act shall make financing available, through lenders, for persons who are unable to obtain sufficient credit to finance their business or personal needs at reasonable rates and terms taking into consideration prevailing rates and terms for similar loans make through conventional credit markets in or near the person's community.

Sec. 58. As used in sections 57 to 79 of this act, unless the context otherwise requires, the definitions found in sections 59 to 63 of this act shall be used.

Sec. 59. Fund shall mean the Equitable Financing Fund created by Section 64 of this act.

Sec. 60. Bonds shall mean any bonds, notes, debentures, and interim certificates, as well as bond, grant, and revenue anticipation notes or other evidences of indebtedness.

Sec. 61. Loan agreement shall mean an agreement providing for a lender with which the fund has contracted to lend the proceeds derived from the issuance of bonds pursuant to sections 57 to 79 of this act for use in business or personal enterprises. The loan agreement shall provide for the repayment of such loan by the borrower within ten years and may provide for such loan to be secured or evidenced by one or more notes, debentures, bonds, or other secured or unsecured debt obligations of such borrower, delivered to the fund or to the trustee under the indenture pursuant to which the bonds were issued. The loan agreement shall also provide that it is not subject to assumption by any person who does not qualify for the issuance of a loan under sections 57 to 79 of this act. Nothing in this section shall prohibit a person from applying for a subsequent loan.

Sec. 62. Lender shall mean any federal or state chartered bank, federal land bank, production credit association, bank for cooperatives, savings and loan association, building and loan association, small business investment company, or any other institution qualified within the state to originate and service loans, including but not limited to, insurance companies, credit unions, and morgage loan companies.

Sec. 63. State shall mean the State of Nebraska.

Sec. 64. (1) There is hereby created, with such duties and powers as are set forth in sections 57 to 79 of this act, a body politic and corporate, not a state agency, but an independent instrumentality exercising essential public functions, to be known as the Equitable Financing Fund.

(2) The fund shall be composed of nine members as follows:

(a) Three ex officio members who shall be:

(i) The Director of Economic Development;

(ii) The chairperson of the Nebraska Investment Council; and

(iii) The Director of Policy Research; and

(b) Six public members who shall be appointed by the Governor.

(3) All members shall be residents of the state. The public members shall, to the extent possible, represent different areas of the state. Of the six public members, not more than three shall belong to the same political party. The three ex officio members may each designate a representative to perform the respective duties under sections 57 to 79 of this act. It shall not constitute a conflict of interest for members of the fund to serve on any other public board or commission.

Sec. 65. The powers of the fund shall be vested in the members thereof. Five members of the fund shall constitute a quorum for the transaction of business. The affirmative vote of at least four members shall be necessary for any action to be taken by the fund. No vacancy in the membership of the corporation shall impair the right of a quorum to exercise all rights and perform all duties of the fund.

Sec. 66. The fund is hereby granted all powers necessary or appropriate to carry out and effectuate its public and corporate purposes.

Sec. 67. The fund shall have the duty to do any act necessary or convenient to the exercise of the powers granted by sections 57 to 79 of this act or reasonably implied from it.

Sec. 68. The fund may make, and undertake commitments to make, loans to lenders under the terms and conditions requiring the proceeds thereof to be used by such lenders to make loans for business and personal enterprises. Loan commitments or actual loans shall be originated through and serviced by any bank, trust company, savings and loan association, mortgage banker, or other financial institutions authorized to transact business in this state.

Sec. 69. Prior to exercising any of the powers authorized in section 68 of this act, the fund shall require:

(1) That the lender certify and agree that the loan is or will at the time of making be in all respects a prudent investment;

(2) That the lender certify and agree that it will use the proceeds of such loan, investment, sale, or assignment within a reasonable period of time to make loans or purchase loans to provide business or personal enterprises.

(3) That the aggregate amount of the loan received by a borrower shall not exceed five hundred thousand dollars. In computing such amount a loan received by an individual shall be aggregated with those loans received by his or her spouse and children and a loan received by

a firm, partnership, or corporation shall be aggregated with those loans received by each owner, partner, or stockholder thereof; and

(4) That, prior to applying for a loan pursuant to sections 57 to 79 of this act, the borrower must apply to two lenders in or near his or her local community for a loan in an amount comparable to that applied for under this act and must obtain a written declination of credit from such lenders.

(5) That the lender certify and agree that the rate of interest it will charge to the borrower will be no more than one per cent more than the rate charged to it for the amount of such loan.

Sec. 70. Prior to carrying out any of the powers granted under sections 57 to 79 of this act, the fund shall adopt and promulgate rules and regulations governing its activities authorized under sections 57 to 79 of this act.

Sec. 71. The fund shall have the power to borrow money and to issue from time to time its bonds in such principal amounts as the fund determines shall be necessary to provide sufficient funds to carry out its purposes to include:

(1) Carrying out the additional powers of sections 57 to 79 of this act;

(2) The payment of interest on bonds of the fund;

(3) The establishment of reserves to secure the bonds; and

(4) All other expenditures of the fund incident to, necessary, and convenient to carry out its purposes and powers.

Sec. 72. The fund shall have the power from time to time to issue bonds to renew or to pay bonds, including the interest thereon and, whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund outstanding bonds and partly for any other of its corporate purposes. The refunding bonds may be sold and the proceeds applied to the purchase, redemption, or payment of the bonds to be refunded or exchanged for the bonds to be refunded.

Sec. 73. Except as may otherwise be expressly provided by the fund, every issue of its bonds shall be general obligations of the fund payable solely out of any revenue or money of the fund, subject only to any agreements with the holders of particular bonds pledging any particular money or revenue. The bonds may be additionally secured by insurance from any source, the underlying land, or by a pledge of any grant, contribution, or guarantee from the federal government or any corporation, association, institution, or person or a pledge of any money, income, or revenue of the fund from any source.

Sec. 74. No bonds issued by the fund under sections 57 to 79 of this act shall constitute a debt, liability, or general obligation of this state, or a pledge of the faith and credit of this state, but shall be payable solely as provided by section 73 of this act. Each bond issued under sections 57 to 79 of this act shall contain on the face thereof a statement that neither the faith and credit nor the taxing power of this state or any political subdivision thereof is pledge to the payment of the principal of or the interest on such bond.

Sec. 75. The bonds shall be authorized by a resolution of the fund, shall bear such date or dates, and shall mature at such time or times as such resolution may provide, except that no bond shall mature more than thirty years from the date of its issue, as the resolution shall provide. The bonds shall bear interest at such rate or rates, including variations of such rates, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner by facsimile or manual signature, except that a facsimile signature of all officers of the fund is sufficient only if permitted by the resolution authorizing the issuance of bonds and if the trustees with respect to such bonds is required to manually authenticate each bond, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, including redemption prior to maturity, as such resolution may provide. The provisions of other state laws relating to the issuance of revenue bonds shall not apply to bonds issued by the fund. Bonds of the fund may be sold by the fund at public or private sale and at such price or prices as the fund shall determine. The fund may bring an action for declaratory judgment to determine the validity of any issuance or proposed issuance of its bonds under sections 57 to 79 of this act and the legality and validity of all proceedings previously taken or proposed in a resolution of the fund to be taken for the authorization, issuance, sale and delivery of such bonds and for the payment of the principal thereof and interest thereon.

Sec. 76. Whether or not the bonds are in the form and character of negotiable instruments, such bonds are hereby made negotiable instruments, subject only to provisions of the bonds relating to registration.

Sec. 77. All money of the fund, except as otherwise authorized or provided in sections 57 to 79 of this act, shall be deposited as soon as practical in a separate account or accounts in banks or trust companies organized under the laws of this state or in national banking associations domiciled in the state. The money in such accounts shall be paid by checks signed by such officers or employees of the fund as the fund shall authorize. All deposits of money shall, if required by the fund, be secured in such a manner as the fund determines to be prudent, and all banks or trust companies are authorized to give security for the deposits.

Sec. 78. The state hereby pledges to and agrees with the holder of any bonds issued under sections 57 to 79 of this act that the state will not limit or alter the rights vested in the fund to fulfill the terms of any agreements made with the holders thereof or in any way impair the rights or remedies of the holders until the bonds, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of the holders, are fully met and discharged. The fund is authorized to include this pledge and agreement of the state in any agreement with the holders of the bonds.

Sec. 79. All expenses incurred by the fund in carrying out the provisions of sections 57 to 79 of this act shall be payable solely from funds provided under sections 57 to 79 of this act, and nothing in sections 57 to 79 of this act shall be construed to authorize the fund to incur indebtedness of liability on behalf of or payable by this state or any political subdivision of it.

Sec. 80. Sections 57 to 79 of this act shall be known and may be cited as the Equitable Financing Fund Act.

2. In the title, line 2 after "act" insert "and Equitable Financing Fund Act"; in line 3 after "authority" insert "and fund".

3. Renumber sections 57, 58 and 59 as sections 81, 82 and 83, respectively.

Mr. Kremer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

The Warner motion to return lost with 18 ayes, 25 nays, and 6 present and not voting.

Mr. Chambers moved to return LB 321 to Select File for the following specific amendment:

Strike Enacting Clause

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Cullan requested a record vote on the Chambers motion.

Voting in the affirmative, 18:

Beutler
Carsten
Chambers
Clark
Cope
Dworak
Fowler
Johnson, V.
Kilgarin
Lamb
Landis
Maresh
Marsh
Nichol
Stoney
Vickers
Warner
Wesely

Voting in the negative, 27:

Barrett
Beyer
Burrows
Chronister
Cullan
DeCamp
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Koch
Kremer
Labedz
Marvel
Newell
Peterson, H.
Remmers
Rumery
Sieck
Von Minden
Wagner
Wiitala

Present and not voting, 4:

Fitzgerald
Peterson, R.
Pirsch
Schmit

The Chambers motion to return lost with 18 ayes, 27 nays, and 4 present and not voting.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 321. With Emergency.

A BILL FOR AN ACT to adopt the Nebraska Educational Facilities Authority Act; to provide membership of the authority; to define terms; to provide powers and duties; to authorize issuance of revenue bonds for certain projects; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 28:

Barrett
Beyer
Burrows
Chronister
Cullan
DeCamp
Fenger
Fitzgerald
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Marvel
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner
Wiitala

Voting in the negative, 20:

Beutler
Carsten
Chambers
Clark
Cope
Dworak
Fowler
Haberman
Johnson, V.
Lamb
Landis
Maresh
Marsh
Newell
Nichol
Pirsch
Stoney
Vickers
Warner
Wesely

Excused and not voting, 1:

Higgins

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

Barrett
Beyer
Burrows
Chronister
Cullan
DeCamp
Fenger
Fitzgerald
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Marvel
Newell
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner
Wiitala

Voting in the negative, 19:

Beutler
Carsten
Chambers
Clark
Cope
Dworak
Fowler
Haberman
Johnson, V.
Lamb
Landis
Maresh
Marsh
Nichol
Pirsch
Stoney
Vickers
Warner
Wesely

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

MESSAGES FROM THE GOVERNOR

May 28, 1981

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning LB 389A without my signature and with my objections.

LB 389A appropriates $15,416 in fiscal year 1981-82 to the Department of Public Welfare to adminsiter LB 389. LB 389 is not scheduled for implementation until July 1, 1982. There are sufficient funds already available to the Department of Public Welfare to perform necessary planning and administrative duties prior to implementation of the bill. I urge you to sustain my veto.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:dld

May 28, 1981

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I hereby return LB 318 without my signature and with my objections. The primary purpose of this bill is to change the payment schedule for aid to education payments. The existing schedule of payments was instituted after the Special Session of 1975 in an attempt to match State receipts and expenditures for cash flow purposes. LB 318 substantially modifies this purpose by advancing the schedule one month, from October to September, and by paying out 25% of the entire appropriation at one time.

These changes could have a serious impact on future State cash flow needs upon which our tax-rate deliberations are in part based. Also, the fiscal note attached to LB 318 indicates that the change in payment schedule will cause the loss of $750,000 in interest income to the General Fund.

I have already communicated to you my deep concern over our current fiscal position. LB 318 further erodes that position in terms of both cash flow and revenue loss. I see no immediate problem of further spreading such payments over the course of the full fiscal year. LB 318 goes substantially beyond that concept.

I urge you to sustain my veto.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:dld

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the Final Reading of LB 406.

(Signed) Howard Peterson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wesely asked unanimous consent to have his name added to LB 404. No objections. So ordered.

ANNOUNCEMENT

The President announced that May 31st is Senator Wagner's birthday.

UNANIMOUS CONSENT - Members Excused

Mrs. Labedz and Mr. Goodrich asked unanimous consent to be excused until they return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 344. With Emergency.

A BILL FOR AN ACT relating to traffic violations; to amend section 60-426, Reissue Revised Statutes of Nebraska, 1943; to adopt the Nonresident Violator Compact of 1977; to change provisions relating to suspension or revocation of operator's licenses; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll

Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Goodrich
Labedz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 352. With Emergency.

A BILL FOR AN ACT to amend sections 77-3421 and 77-3424, Revised Statutes Supplement, 1980, relating to political subdivision budget limitations; to define a term; to redefine a term; to expand an exception; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Barrett
Beyer
Burrows
Chambers
Chronister
Cope
Cullan
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 8:

Beutler
Carsten
Clark
Dworak
Higgins
Nichol
Stoney
Von Minden

Present and not voting, 2:

Marvel
Schmit

Excused and not voting, 2:

Goodrich
Labedz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 385.

A BILL FOR AN ACT to adopt the Conservation Corporation Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 29:

Beyer
Burrows
Carsten
Chronister
Clark
DeCamp
Fenger
Fitzgerald
Goll
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Maresh
Newell
Nichol
Peterson, H.
Peterson, R.
Rumery
Schmit
Sieck
Von Minden
Wagner
Wiitala

Voting in the negative, 14:

Beutler
Cope
Cullan
Dworak
Lamb
Landis
Marsh
Marvel
Pirsch
Remmers
Stoney
Vickers
Warner
Wesely

Present and not voting, 4:

Barrett
Chambers
Fowler
Hoagland

Excused and not voting, 2:

Goodrich Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 321.

(Signed) Karen Kilgarin, Chairperson

MESSAGES FROM THE GOVERNOR

May 29, 1981

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning LB 129A with my line item reductions and with my signature.

LB 129A appropriates $1,319,000 to the Department of Public Institutions and $81,000 to the Department of Motor Vehicles to provide certain alcoholism treatment, prevention, information and training services. The funds provided will continue projects currently provided by federal monies, which are expected to decline, as well as initiate new activities.

As I have stated repeatedly, due to the expected decline in federal funds and the need to preserve flexibility in budgetary options, I am adamantly opposed to the creation of new programs at this time. Six hundred thousand dollars has been stricken from the appropriation to the Department of Public Institutions. The reduced amount of $719,000 will permit the continuation of present treatment and rehabilitation programs.

I urge you to sustain my line item reduction of LB 129A.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:dld

May 29, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 406 and 548, as well as Reengrossed Legislative Bill 389 have been received.

These bills were signed by me on May 29, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 95, 95A, 172, 218, 234, 234A, 285, 302, 344, and 352.

VISITORS

Visitors to the Chamber were 2 students from Westside High School, Omaha; and 5 students and teacher from District 28, Hall County.

RECESS

At 11:58 a.m., on a motion by Mrs. Marsh, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:37 p.m., President Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mr. Goodrich and Mrs. Labedz who were excused.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 396.

A BILL FOR AN ACT relating to agriculture; to adopt the Agricultural Liming Materials Act as prescribed; to provide standards; to provide duties; to define terms; to provide penalties; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Beyer
Burrows
Carsten
Chambers
Clark
Cope
Cullan
Dworak
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 6:

Barrett
Chronister
Fenger
Fitzgerald
Johnson, L.
Peterson, H.

Present and not voting, 2:

Beutler
DeCamp

Excused and not voting, 2:

Goodrich
Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 396A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 396, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Beyer
Burrows
Carsten
Clark
Cope
Cullan
Dworak
Fowler
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 7:

Barrett
Chronister
Fenger
Fitzgerald
Goll
Johnson, L.
Peterson, H.

Present and not voting, 3:

Beutler
Chambers
DeCamp

Excused and not voting, 2:

Goodrich
Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 411.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 25-1912 and 29-824, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to appeals; to provide procedures for granting suppression of statements claimed to have been unlawfully obtained; to provide for interlocutory appeals from rulings thereon; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 2:

Chambers
DeCamp

Present and not voting, 1:

Burrrows

Excused and not voting, 2:

Goodrich
Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 460 to Select File

Mr. Beutler moved to return LB 460 to Select File for the following specific amendment:

By adding the word "not" after the word "may" in line 2 on page 5.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler motion to return lost with 19 ayes, 22 nays, 5 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 460.

A BILL FOR AN ACT to amend sections 72-1246 and 72-1247, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Investment Council; to change provisions relating to duties and requirements of the state investment officer; to provide for authorized investments as prescribed; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 28:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Fenger
Fitzgerald
Fowler
Goll
Hefner
Johnson, L.
Kahle
Kilgarin
Koch
Marsh
Marvel
Newell
Nichol
Peterson, H.
Remmers
Rumery
Schmit
Sieck
Wesely
Wiitala

Voting in the negative, 17:

Beutler
Chambers
Cullan
Dworak
Higgins
Hoagland
Johnson, V.
Kremer
Lamb
Landis
Maresh
Pirsch
Stoney
Vickers
Von Minden
Wagner
Warner

Present and not voting, 1:

Peterson, R.

Excused and not voting, 3:

Goodrich
Haberman
Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 487. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 2-3517, 2-3520, 54-1902, 54-1906, 54-1911, 54-1912, 71-2017, 71-2017.01, 71-2017.02, and 71-2018, Reissue Revised Statutes of Nebraska, 1943, and section 59-1617, Revised Statutes Supplement, 1980, and section 2-2390, Revised Statutes Supplement, 1980, as amended by section 3, Legislative Bill 333, Eighty-seventh Legislature, First Session, 1981; to adopt the Nebraska Pure Food Act; to redesignate certain facilities and clarify provisions; to harmonize with other legislation; to define terms; to provide for the licensing and regulation of boarding homes as prescribed; to provide operative dates; to provide severability; to repeal the original sections, and also sections 41-101 to 41-130, 81-217 to 81-217.09, 81-217.11 to 81-217.14, 81-217.16 to 81-217.28, 81-2,111 to 81-2,119, 81-2,122 to 81-2,124, 81-2,127, 81-2,129, 81-2,132, 81-2,133, 81-2,134.01, 81-2,134.03 to 81-2,134.11, and 81-2,181 to 81-2,184, Reissue Revised Statutes of Nebraska, 1943, sections 81-217.10, 81-217.15, 81-2,120, 81-2,121, 81-2,134, and 81-2,185, Revised Statutes Supplement, 1980; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 45:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Clark
Marvel

Excused and not voting, 2:

Goodrich
Labedz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 487A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 487, Eighty-seventh Legislature, First Session, 1981; to amend section 6, Legislative Bill 559, Eighty-seventh Legislature, First Session, 1981; to change appropriations to certain state agencies; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 5:

Clark
Goll
Pirsch
Stoney
Warner

Excused and not voting, 2:

Goodrich
Labedz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 488. Mr. Clark moved to have the bill laid over.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

The Clark motion to have LB 488 laid over prevailed with 27 ayes, 15 nays, 5 present and not voting, and 2 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 494.

A BILL FOR AN ACT to amend section 48-418.13, Reissue Revised Statutes of Nebraska, 1943, relating to health and safety regulations; to change requirements relating to photoelectric tube devices on elevators; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Beyer

Excused and not voting, 2:

Goodrich
Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. CLARK PRESIDING

LEGISLATIVE BILL 544. With Emergency.

A BILL FOR AN ACT relating to government; to allow certain meetings to be held other than in the state capital; to change provisions for regulation of spot lamps; to amend sections 2-101, 39-6,138, 39-6,139, and 39-1108, Reissue Revised Statutes of Nebraska, 1943; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 47:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 2:

Goodrich
Labedz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 552.

A BILL FOR AN ACT relating to apportionment; to amend sections 5-109 and 5-110, Reissue Revised Statutes of Nebraska, 1943; to reapportion the state for Supreme Court judicial districts; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Dworak
Fenger
Fitzgerald
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Maresh
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 1:

Wesely

Present and not voting, 2:

Cullan
Landis

Excused and not voting, 2:

Goodrich
Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATION OF VOTE

Had I been present I would have voted yes on 460.

(Signed) Rex Haberman

PRESIDENT LUEDTKE PRESIDING

MOTION - Suspend Rules

Mr. Schmit moved to suspend the rules, Rule 6, Section 11 and Rule 7, Section 7 to permit a motion to override the portion of LB 561 pertaining to Aid to Dependent Children.

Mr. Stoney moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

Mr. Schmit requested a roll call vote on his motion.

Voting in the affirmative, 22:

Burrows
Chambers
DeCamp
Dworak
Fitzgerald
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Rumery
Schmit
Wesely
Wiitala

Voting in the negative, 24:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Fenger
Goll
Haberman
Hefner
Johnson, L.
Koch
Kremer
Lamb
Maresh
Peterson, H.
Peterson, R.
Remmers
Stoney
Vickers
Von Minden
Wagner
Warner

Present and not voting, 2:

Beutler
Sieck

Absent and not voting, 1:

Pirsch

The Schmit motion lost with 22 ayes, 24 nays, 2 present and not voting, and 1 absent and not voting.

MOTION - Override Governor's Veto on LB 318

Mr. Koch moved that LB 318 be passed, notwithstanding the objection of the Governor.

Mr. Koch requested a roll call vote on his motion.

Voting in the affirmative, 33:

Beutler
Burrows
Carsten
Chronister
Cope
Dworak
Fitzgerald
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Pirsch
Remmers
Schmit
Sieck
Stoney

Vickers
Wagner
Wiitala

Voting in the negative, 15:

Barrett
Beyer
Clark
Cullan
DeCamp
Fenger
Haberman
Johnson, L.
Maresh
Peterson, H.
Peterson, R.
Rumery
Von Minden
Warner
Wesely

Present and not voting, 1:

Chambers

The Koch motion prevailed with 33 ayes, 15 nays, and 1 present and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 385, 552, 544, 494, 321, 396, 396A, 411, 460, 487, and 487A.

MOTION - Override Governor's Veto on LB 129A

Mr. Nichol moved that LB 129A become law notwithstanding the objection of the Governor.

Mr. Nichol requested a roll call vote on his motion.

Voting in the affirmative, 30:

Burrows
Carsten
Chambers
Cope
DeCamp
Fowler
Goll
Goodrich
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Schmit
Sieck
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 14:

Barrett
Beutler
Chronister
Clark
Dworak
Fenger
Haberman
Hefner
Johnson, L.
Lamb
Maresh
Remmers
Wagner
Warner

Present and not voting, 5:

Beyer	Cullan	Fitzgerald	Peterson, R.	Von Minden

The Nichol motion prevailed with 30 ayes, 14 nays, and 5 present and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 29, 1981, at 2:40 p.m., were the following bills: 95, 95A, 172, 218, 234, 234A, 285, 302, 344, and 352.

Presented to the Governor on May 29, 1981, at 3:50 p.m., were the following bills: 385, 552, 544, 494, 321, 396, 396A, 411, 460, 487, and 487A.

(Signed) Hazel Kaltenberger, Enrolling Clerk

MESSAGES FROM THE GOVERNOR

May 29, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Reengrossed Legislative Bill 466 has been received in my office.

This bill was signed by me on May 28, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 29, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bill 129 has been received in my office.

This bill was signed by me on May 29, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 29, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

I hereby return LB 322 without my signature and, with my objections.

LB 322 eliminates the requirement that the Director of Argriculture approve vouchers for expenditures by the Nebraska Wheat Development, Utilization, and Marketing Committee. In my opinion, it would be unwise to delete this fiscal safeguard.

Respectfully,
(Signed) CHARLES THONE
Governor

CT:dsd

ATTORNEY GENERAL'S OPINION

Opinion No. 115
May 29, 1981

Dear Senators Nichol, Clark, and Marvel:

You have requested our opinion on the constitutionality of a vote taken in the Legislature on LB 376 on May 28, 1981. This is a bill which authorizes multibank holding companies. It was on final reading and received the affirmative votes for passage of 24 members of the Legislature and the negative votes of 24 members of the Legislature with one abstention. At the point the Lieutenant Governor, acting as presiding officer of the Legisalture, cast his vote in favor of passage of the bill.

Two constitutional provisions bear upon this question. The first, Article III, section 10, provides in part, "The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided." Article III, section 13, provides in part, "No bill shall be passed by the Legislature unless by the assent of a majority of all members elected and the yeas and nays on the question of final passage of any bill shall be entered upon the journal." These sections of the Constitution appear to be in conflict. Article III, section 13, provides that in order to enact a bill you must have a majority of those members elected to the Legislature; while Article III, section 10, authorizes the Lieutenant Governor to vote where the Legislature is equally divided.

Five states have considered similar questions. These states are Montana, State ex rel. Easbey v. Highway Patrol Board, 372 P.2d 930 (Mont. 1962); Delaware, Opinion of the Justices, 225 A.2d 481 (Del. 1966); Michigan, Advisory Opinion on the Constitutionality of 1978 PA 426, 403 Mich. 631, 272 N.W.2d 495 (1978), and Kelley v. Secretary of State, 112 N.W. 978 (Mich. 1907); Kansas, Coleman v. Miller, 71 P.2d 518 (Kan. 1937); and North Dakota, State ex rel. Sanstead v. Freed, 251 N.W.2d 898 (N.D. 1977). Of these five states, two (Kansas and North Dakota) have held the Lieutenant Governor may not vote on the final passage of a bill. Two others (Delaware and Montana) have held that the Lieutenant Governor may vote on the final passage of such bills. The remaining state (Michigan) has cases holding both ways. The earlier case held that the Lieutenant Governor could not vote on the final passage of bills and resolutions. The later case, subsequent to a constitutional amendment, held that the Lieutenant Governor may vote on the final passage of bills.

We have analyzed these cases in terms of the similarity of provisions of their Constitutions and the Nebraska Constitution. While there are some differences, we believe that the differences are not significant in the opinion we herein express.

The principles of constitutional construction to be applied to these questions are not seriously in dispute. The Constitution should be construed where conflicts exist so as to give effect to each provision of the Constitution. The constitutional provision should be interpreted in light of the intention and meaning of the persons adopting those provisions. Where constitutional provisions are in conflict the later in time prevail over the earlier and finally the more specific constitutional provision where a conflict exists will prevail over the more general.

Both provisions were essentially in the same form in the Constitution of 1875. Although one has been moved from Article IV to Article III, they are substantially the same as they were at adoption. While the cases have gone both ways, we believe it is difficult to say that one provision is the more specific and the other the more general.

We have found no legislative or constitutional history significant to the present question.

In addition to these considerations we have taken particular note of those portions of the North Dakota opinion in State ex rel. Sanstead, supra. The Court analyzed their history of votes where the house was equally divided. The Court concluded that the history of North Dakota was that the Lieutenant Governor had not voted in such situations. Due to the time constraints under which we have researched this issue, we were unable to make a thorough search of past votes; but, our research to date indicates that this question has not arisen in the Legislature for at least the last thirty years. We are aware of no instance in which the Lieutenant Governor, either since Nebraska has been under the Unicameral system or when it was under a two house system, has cast the deciding vote on the final passage of a bill. We also note that this is likely to be a unique circumstance in the State of Nebraska. In the future any time a similar situation would arise the only thing necessary to preclude a vote by the Lieutenant Governor would be for one of the persons opposed to passage of the bill to change his vote from nay to not voting, thus striking the tie vote. If this vote were proper this would be likely to be the only situation in which such a vote could occur in this state.

In construing these provisions together to give effect to each, we believe the proper interpretation is that the Lieutenant Governor may vote under Article III, section 10, on all matters not required by the Constitution to receive a specific number of votes of the members elected. This would include such things as amendments, procedural matters, and other ordinary business of the Legislature. However, the Lieutenant Governor would be precluded from voting on final passage of any bill by the provisions of Article III, section 13, which require a majority of the members elected to the Legislature.

This conclusion gives effect to both section 10 and section 13. It preserves the Lieutenant Governor's power under section 10 and makes effective the limitation adopted under section 13, requiring a majority of elected members to pass a bill.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Override Governor's Veto on LB 322

Mr. Schmit moved that LB 322 become law notwithstanding the objection of the Governor.

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Voting in the affirmative, 20:

Burrows
Carsten
Chambers
Cullan
DeCamp
Fitzgerald
Fowler
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Newell
Nichol
Schmit
Wagner
Wesely
Wiitala

Voting in the negative, 23:

Beutler
Beyer
Clark
Cope
Dworak
Fenger
Goll
Haberman
Hefner
Hoagland
Johnson, L.
Kilgarin
Maresh
Marsh
Marvel
Peterson, H.
Pirsch
Remmers
Rumery
Stoney
Vickers
Von Minden
Warner

Present and not voting, 6:

Barrett
Chronister
Goodrich
Higgins
Peterson, R.
Sieck

The Schmit motion lost with 20 ayes, 23 nays, and 6 present and not voting.

COMMUNICATION ON LB 318

May 29, 1981

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 318, with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 318 notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosures
xc: Governor Thone

CERTIFICATE

Legislative Bill 318 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 29th day of May, 1981.

(Signed) Roland Luedtke, President
Presiding Officer of the Legislature

COMMUNICATION ON LB 129A

May 29, 1981

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 129A, with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 129A notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosures
xc: Governor Thone

CERTIFICATE

Legislative Bill 129A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 29th day of May, 1981.

(Signed) Roland Luedtke, President
Presiding Officer of the Legislature

COMMUNICATION

May 29, 1981

Patrick J. O'Donnell
Clerk of the Legislature
Capitol Building Room 2018
Lincoln, Nebraska

Dear Mr. O'Donnell:

I have on my desk LB 376. On the advice of the Attorney General, with which I most certainly agree, it appears that LB 376 has not been passed by the Legislature.

Art. III, Sec. 10, states that the Lieutenant Governor shall vote only when the Legislature is equally divided; but Art. III, Sec. 13 specifically states that, "No bill shall be passed by the Legislature unless by the assent of a majority of all members elected..."

I am advised by the Attorney General that in order to give effect to both sections of the Constitution, they must be read to mean that the Lieutenant Governor may vote on procedural questions and preliminary matters, but may not vote on the final passage of a bill, and that any attempt by the Lieutenant Governor to vote on final passage is null and void.

The Legislature's Journal clearly indicates that LB 376 received only 24 votes from elected members of the Legislature. Twenty-five votes are needed for a Constitutional majority. Therefore, this bill did not meet the Constitutional requirement and was not passed by the Legislature.

This return of LB 376 to the Clerk of the Legislature is a clerical function and is not, and should not be construed as, an exercise of the Governor's authority under Article IV, Sec. 15 of the Constitution of the State of Nebraska. In other words, I am not by this action exercising my Constitutional authority to veto this purported piece of legislation which was never legally passed by the Legislature.

Respectfully,
(Signed) CHARLES THONE
Governor

Ct:dsd

MOTION - Override Governor's Veto on LB 376

Mr. Chambers moved that LB 376 be passed notwithstanding the action of the Governor.

Mr. DeCamp raised a point of order stating that the motion is out of order because the bill has not been vetoed.

The Chair declared the motion out of order and sustains Mr. DeCamp's point of order.

Mr. Chambers moved to overrule the Chair.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 15 nays, and 9 not voting.

The Chambers motion to overrule the Chair lost with 6 ayes, 28 nays, 14 present and not voting, and 1 excused and not voting.

The Chair was sustained.

UNANIMOUS CONSENT - Members Excused

Messrs. Chambers, Clark, and Goll asked unanimous consent to be excused. No objections. So ordered.

MOTION - Override Governor's Veto on LB 506A

Mr. V. Johnson moved to override the Governor's line item veto on LB 506A.

Voting in the affirmative, 20:

Carsten
DeCamp
Fitzgerald
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Marvel
Newell
Nichol
Schmit
Sieck
Stoney
Vickers
Wiitala

Voting in the negative, 22:

Barrett
Beutler
Beyer
Burrows
Chronister
Cope
Dworak
Fenger
Haberman
Hefner
Johnson, L.
Kremer
Landis
Maresh
Peterson, H.

Peterson, R.
Remmers
Rumery
Von Minden
Wagner
Warner
Wesely

Present and not voting, 3:

Cullan
Lamb
Marsh

Excused and not voting, 4:

Chambers
Clark
Goll
Pirsch

The V. Johnson motion lost with 20 ayes, 22 nays, 3 present and not voting, and 4 excused and not voting.

MOTION - Suspend Rules

Mr. Schmit, Sieck, and Chambers moved to suspend the rules, Rule 7 Sec 7 and Rule 6, Section 11, to permit a motion to override the portion of LB 561 pertaining to Community Mental Retardation Services in the Department of Public Institutions.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 19 nays, and 16 not voting.

The Schmit motion to suspend the rules prevailed with 30 ayes, 10 nays, 5 present and not voting, and 4 excused and not voting.

MOTION - Override Governor's Veto on LB 561

Mr. Schmit moved to override the Governor's line item vetoes of the Dept. of Public Institutions, Program No. 424 - State Aid - Community Mental Retardation, included in the final budget for each mental retardation region shown, in Sec. 11 on pages 10 & 11 of LB 561.

Voting in the affirmative, 30:

Beutler
Burrows
Carsten
Chronister
Cope
DeCamp
Dworak
Fitzgerald
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Schmit
Sieck
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 12:

Barrett
Cullan
Haberman
Hefner
Lamb
Maresh
Peterson, R.
Remmers
Rumery
Von Minden
Wagner
Warner

Present and not voting, 3:

Beyer
Fenger
Johnson, L.

Excused and not voting, 4:

Chambers
Clark
Goll
Pirsch

The Schmit motion prevailed with 30 ayes, 12 nays, 3 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 183. Read. Considered.

LR 183 was adopted with 43 ayes, 0 nays, and 6 not voting.

LEGISLATIVE RESOLUTION 192. Read. Considered.

LR 192 was adopted with 41 ayes, 0 nays, and 8 not voting.

LEGISLATIVE RESOLUTION 193. Read. Considered.

Mr. Burrows asked unanimous consent to have his name added to LR 193. No objections. So ordered.

LR 193 was adopted with 37 ayes, 0 nays, and 12 not voting.

Mr. DeCamp asked unanimous consent to be excused. No objections. So ordered.

MOTION - Suspend Rules

Mr. Wesely moved to suspend the rules, Rule 4, Sec. 6 to permit consideration of LR 196.

The motion to suspend the rules prevailed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 196. Considered.

LR 196 was adopted with 37 ayes, 0 nays, and 12 not voting.

COMMUNICATION ON LB 561

May 29, 1981

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 561, with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached Certificate, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosures
xc: Governor Thone

CERTIFICATE

Legislative Bill 561 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

> State Department of Public Institutions, Program 424 - State Aid for Community Mental Retardation contained in subsection (4) of Section 11 on pages 9 and 10 of LB 561.

This provision has become law this 29th day of May, 1981.

(Signed) Roland Luedtke, President
Presiding Officer of the Legislature

UNANIMOUS CONSENT - Add Co-Introducers

Mesdames Labedz, Marsh, Pirsch, Miss Kilgarin, and Mr. DeCamp asked unanimous consent to add their names as co-introducers to LR 106. No objections. So ordered.

Mr. Goodrich asked unanimous consent to add his name as co-introducer to LR 171. No objections. So ordered.

Messrs. Goll and Wesely asked unanimous consent to add their names as co-introducers to LB 119. No objections. So ordered.

Mr. L. Johnson asked unanimous consent to add his name as co-introducer of the following Legislative Resolutions: 126, 137, 140, 144, 172, and 178. No objections. So ordered.

COMMUNICATION ON LB 322

May 29, 1981

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the veto by Governor Thone on LB 322, I am delivering the bill for filing in the form as approved by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
xc: Governor Thone

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused. No objections. So ordered.

MOTION - Session Laws and Journal

Mr. Carsten moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and

Index by Patrick O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws.

The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

MOTION - Approve Journal

Mr. Dworak moved that the Journal for the Ninetieth Day, as prepared by the Clerk, be approved.

The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

MOTION - Advise Governor

Mr. Kremer moved that a committee of six be appointed to advise the Governor that the Eigthy-Seventh Legislature, First Session, of the Nebraska State Legislature is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

The Chair appointed Mrs. Marsh, Messrs. Kremer, Lamb, Hefner, Maresh, and Burrows to serve on said committee.

The Chair escorted the Governor to the rostrum where he addressed the body.

The Committee escorted the Governor from the Chamber.

VISITOR

Visitor to the Chamber was Congressman Doug Bereuter.

MOTION - Adjournment

Mr. Fitzgerald moved that the Eighty-Seventh Legislature, First Session, of the Legislature, having finished all business before it, now at 6:24 p.m., adjourn sine die.

The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Patrick J. O'Donnell
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION

CORRECTIONS FOR THE JOURNAL

Page 2432, line 9, strike "LB 119" and insert "LR 119".
The Journal for the Ninetieth Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

May 30, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 95, 95A, 172, 218, 302, 321, 344, 385, 487, 487A, 494, and 544, as well as Reengrossed Legislative Bills 411, 460, and 552 were received in my office May 29, 1981.

These bills were signed by me on May 30, 1981 and will be delivered to the Secretary of State on June 1st.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

June 1, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 376 has been received in the Governor's Office.

This bill was signed by me on June 1, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) Roland A. Luedtke
Lieutenant Governor and
Acting Governor

RAL:mc

June 2, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Reengrossed Legislative Bills 234 and 234A were received in my office May 29th.

These bills were signed by me on May 30, 1981 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

June 3, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bill 396A and Reengrossed Legislative Bill 396 were received in my office May 29, 1981.

These bills were signed by me on June 3, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

June 3, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Captiol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bill 285 and Reengrossed Legislative Bill 352 were received in my office May 29, 1981.

These bills were signed by me on June 3, 1981 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

MESSAGES FROM THE SECRETARY OF STATE

June 1, 1981

Patrick J. O'Donnell
Clerk of the Legislature
Unicameral Legislature
State Capitol Building
Lincoln, Nebraska

RE: LB 129A, Eighty-Seventh Legislature, First Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on May 29, 1981 at 4:35 p.m., LB 129A. Along with LB 129A, I hereby acknowledge receipt of your cover letter and a signed certificate by Richard Marvel, Presiding Officer and President of the Legislature the contents of which are as follows:

> "Legislative Bill 129A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 29th day of May, 1981."

Further, I hereby acknowledge that LB 129A, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 129A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 29th day of May, 1981.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this First day of June in the year of our Lord, one thousand nine hundred and Eighty-One.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

June 1, 1981

Patrick J. O'Donnell
Clerk of the Legislature
Unicmameral Legislature
State Capitol Building
Lincoln, Nebraska

RE: LB 318, Eighty-Seventh Legislature, First Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on May 29, 1981 at 4:35 p.m., LB 318. Along with LB 318, I hereby acknowledge receipt of your cover letter and a signed certificate by Richard Marvel, Presiding Officer and President of the Legislature the contents of which are as follows:

> "Legislative Bill 318 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 29th day of May, 1981."

Further, I hereby acknowledge that LB 318, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter or record on the day and hour stated above.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 318 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 29th day of May, 1981."

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this First day of June in the year of our Lord, one thousand nine hundred and Eighty-One.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

June 2, 1981

Patrick J. O'Donnell
Clerk of the Legislature
Unicameral Legislature
State Capitol Building
Lincoln, Nebraska

RE: LB 561, Eighty-Seventh Legislature, First Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on June 2, 1981 at 12:40 p.m., LB 561. Along with LB 561, I hereby acknowledge receipt of your cover letter and a signed certificate by Richard Marvel, Presiding Officer and President of the Legislature the contents of which are as follows:

> "Legislative Bill 561 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:
>
> State Department of Public Institutions, Program 424 - State Aid for Community Mental Retardation contained in subsection (4) of Section 11 on pages 9 and 10 of LB 561.

This provision has become law this 29th day of May, 1981."

Further, I hereby acknowledge that LB 561, cover letter, certificate, and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 561 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

State Department of Public Institutions, Program 424 - State Aid for Community Mental Retardation contained in subsection (4) of Section 11 on pages 9 and 10 of LB 561.

This provision has become law this 29th day of May, 1981.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Second day of June in the year of our Lord, one thousand nine hundred and Eighty-One.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

ATTORNEY GENERAL'S OPINION

Opinion No. 116
May 28, 1981

Dear Senator Warner:

In your letter of May 26, 1981, you requested our opinion regarding the interpretation of certain language in LB 412 as amended by the committee amendments. We have reviewed that legislation, and our opinions regarding your various questions are set forth below.

LB 412 would amend various sections of the Nebraska Revised Statutes which deal with the special tax treatment of agricultural lands. Those sections, Neb.Rev.Stat. §§77-1343 to 77-1348 (Reissue 1976), basically provide that qualifying real estate used for agricultural purposes shall be assessed at its actual value for agricultural use and not at the actual value it would have if applied to other than agricultural use. To qualify for this special assessment, agricultural land must be used exclusively for an agricultural use and must be located within an agricultural use zone. The portions of LB 412 pertinent to our present discussion amend the definition of agricultural use zone to include any land designated "predominantly" for agricultural use by cities or counties under their zoning powers. They further provide that an agricultural use zone shall not include residential and nonagricultural commercial development with an overall density of more than one unit per ten acres and that the special assessment provisions available to qualifying agricultural land shall not be available to portions of an agricultural use zone which have been subdivided for residential or commercial use.

In your letter of May 26th, you first ask: "On page 2, line 14, [of LB 412] 'agricultural use zone' is defined as any land 'designated predominately [sic] for agricultural use.' What does the term 'predominately' [sic] mean, . . ."

LB 412 does not contain a definition of "predominantly" within its definitional sections. Since the bill itself does not define the term, under the decisions of our Supreme Court, the word must be given its plain and ordinary meaning in the process of statutory construction. State v. One 1970 2-Door Sedan Rambler (Gremlin), 191 Neb. 462, 215 N.W.2d 849 (1974), and Bachus v. Swanson, 179 Neb. 1, 136 N.W.2d 189 (1965). Webster's New World Dictionary 1121 (2nd Ed. 1976) gives two definitions for the word predominant: "1. having ascendancy, authority, or dominating influence over others; superior, 2. most frequent, noticeable, etc.; prevailing; preponderant." The word predominantly is listed as an adverb form of the word predominant. Given this basic definition, we assume that the word predominantly in LB 412, under its ordinary and plain meaning, can be construed to mean most frequently, prevailing, or preponderantly.

You next ask "how is the county assessor to determine which land is designated 'predominately [sic] for agricultural use?'" In response to this question, we note that in order for agricultural lands to receive special tax treatment under LB 412, they must be in an area designated as predominantly for agricultural use by a city or county under its zoning authority. In other words such lands must be in an agricultural use zone. Therefore, a county assessor can determine which land is designated predominantly for agricultural use be determining if that land has been included in an agricultural use zone by a city or by a county. Once the county assessor ascertains that the land lies within such a properly constituted zone, it is not necessary under the terms of LB 412 for him or her to independently determine that the land is predominantly for agricultural use.

Your next question is "if this bill were passed, would it then be possible for land to receive the greenbelt special assessment even though the zoning would allow commercial or industrial use on that land?" Our answer to this question is yes, but only in instances where the land permitted an industrial or commercial use is being farmed or used exclusively for an agricultural use. Under LB 412, property must pass a two part test in order to qualify for the special tax treatment afforded agricultural lands. First of all, the land must be used exclusively for an agricultural use as defined in the bill. Second, the land must be within an agricultural use zone as defined in the bill. Since LB 412 defines agricultural use zone as any land designated "predominantly" for agricultural use, it is conceivably possible that a small area of land within an agricultural use zone could be permitted industrial or commercial development. However, in order to qualify for special tax treatment, that land would have to pass the second part of the test prescribed in LB 412, i.e., the land would have to be used exclusively for an agricultural use. If the land permitted an industrial or commercial use within the agricultural use zone was in fact used for industrial or commercial purposes, it would thus lose the special tax treatment set forth in LB 412. We also note that LB 412 further restricts commercial development in an agricultural use zone by providing that nonagricultural commercial development with an overall density of more than one unit per ten acres cannot be allowed in an agricultural use zone and by providing that special tax treatment is unavailable to those portions of an agricultural use zone subdivided for commercial purposes.

Your final question concerns whether the insertion of certain language into LB 412 would prevent land from receiving the special tax treatment when it was located in an agricultural use zone and when its particular zoning allowed commercial or industrial use. Under LB 412 with your proposed insertion, section 77-1344 of the Nebraska Revised Statutes would read as follows:

> (1) Any land which is used exclusively for agricultural use, and which is located within an agricultural use zone, shall be assessed at its actual value for agricultural use and not at the actual value it would have if applied to other than agricultural use if application for such special assessment is made pursuant to sections 77-1343 to 77-1348; Provided, that the special assessment provisions shall not be applicable to that portion of lands zoned for agricultural use or zoned to allow commercial or industrial use if such lands have been subdivided for residential or commercial use.

In our opinion, in instances where land lies within the agricultural use zone and is actively farmed, the language above would prevent lands zoned for commercial or industrial use from receiving the special tax treatment outlined in LB 412 only in instances where those lands were subdivided for residential or commercial uses. Lands permitted a commercial or industrial use within an agricultural use zone would still be eligible for the special tax treatment if they had not been subdivided for residential or commercial use and if they were being used exclusively for farming.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

DAC:sjr
cc: Patrick J. O'Donnell
Clerk of the Legislature

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided concerning action on bills after adjournment of the Eighty-seventh Legislature, First Session and other correspondence.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

June 4, 1981
Lincoln, Nebraska

INDEXES FOR LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE

FIRST SESSION
1981

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Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

CHRONOLOGY OF BILLS

EIGHTY-SEVENTH LEGISLATURE
FIRST SESSION
1981

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LEGISLATIVE BILL 2 By Lamb, Lewis

Jan. 8	Read first time	74
Jan. 9	Placed on General File	94
Jan. 15	Advanced for Review	195
Jan. 19	Marsh explanation of vote	244
Jan. 26	Placed on Select File	326
Jan. 28	Advanced for Engrossment	341
Jan. 29	Correctly Engrossed	356
Feb. 4	Final Reading	419
Feb. 5	Speaker signed	441
Feb. 6	Presented to Governor	451
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Feb. 11	Approved by Governor	491

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May 4	V. Johnson amendment p. 1459 withdrawn. DeCamp-Goodrich amendment pending	1713
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Mar. 26	Beutler motion to reconsider laid over	1142
Apr. 1	Beutler pending motion to reconsider prevailed. Final Reading	1243
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Jan. 8	Read first time	75
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LEGISLATIVE BILL 7 By Cullan

Jan. 8	Read first time	75
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Jan. 8	Read first time	75
Jan. 9	Referred to Committee on Public Works	94
Jan. 14	Notice of hearing	167
Feb. 6	Placed on General File	461

LEGISLATIVE BILL 9 By Maresh

Jan. 8	Read first time	75
Jan. 9	Referred to Committee on Agriculture and Environment	94
Jan. 16	Notice of hearing	199
Feb. 10	Placed on General File	485
Feb. 18	Committee amendment adopted as amended by Maresh. Advanced for Review	562
Feb. 20	Placed on Select File	590
Feb. 25	E and R amendments adopted. Advanced for Engrossment	658
Mar. 2	Correctly Engrossed	703
Mar. 5	Final Reading	752
Mar. 6	President signed	772
Mar. 9	Attorney General's Opinion	794
Mar. 10	Presented to Governor	817
Mar. 11	Approved by Governor	844

LEGISLATIVE BILL 10 By Maresh

Jan. 8	Read first time	75
Jan. 9	Referred to Committee on Government, Military and Veterans Affairs	94
Jan. 15	Notice of hearing	193
Feb. 3	Indefinitely postponed	401

LEGISLATIVE BILL 11 By Maresh

Jan. 8	Read first time	76
Jan. 9	Referred to Committee on Agriculture and Environment	94
Jan. 19	Notice of hearing	259
Mar. 13	Maresh priority bill	925
Mar. 17	Placed on General File	966
Apr. 2	Schmit amendment to Committee amendment printed	1269
Apr. 13	Schmit amendment to Committee amendment adopted. Schmit pending amendment p. 1269 to Committee amendment adopted	1434
Apr. 13	Maresh amendments to Committee	

amendment adopted........................1435
Apr. 13 Committee amendments lost as amended.
DeCamp and Maresh amendments adopted.
Advanced for Review......................1436
Apr. 13 Maresh amendment printed.....................1438
Apr. 13 Wagner amendment printed.....................1447
Apr. 15 Placed on Select File..........................1474
Apr. 15 Kahle amendment printed......................1487
Apr. 23 Schmit amendment printed.....................1543
Apr. 29 Schmit amendment printed.....................1630
May 4 Attorney General's Opinion....................1696
May 4 E and R amendment adopted. Laid over.......1704
May 4 Maresh amendment to pending Maresh amendment
p. 1438 adopted. Schmit pending amendment
p. 1543 to Maresh amendment adopted.
Wagner amendment to Maresh amendment
adopted. Maresh amendment to Maresh
amendment adopted........................1708
May 4 Maresh amendment to Maresh amendment adopted.
Maresh pending amendment p. 1438 adopted as
amended. Wagner pending amendment p. 1447
adopted. Kahle pending amendment p. 1487
withdrawn. Maresh amendment adopted.....1709
May 4 Maresh amendment adopted. Schmit pending
amendment p. 1630 withdrawn.
Maresh amendment adopted.
Advanced for Engrossment.................1710
May 11 Correctly Engrossed. E and R changes.........1900
May 14 Final Reading.................................2021
May 14 Speaker signed................................2051
May 18 Approved by Governor.........................2075
May 19 Presented to Governor.........................2094

LEGISLATIVE BILL 11A By Maresh

Apr. 13 Read first time. Placed on General File........1443
Apr. 24 Advanced for Review..........................1573
Apr. 28 Placed on Select File.........................1599
May 8 Maresh amendment adopted.
Advanced for Engrossment.................1880
May 11 Correctly Engrossed...........................1931
May 14 Final Reading.................................2023
May 14 Speaker signed................................2051
May 18 Approved by Governor.........................2075
May 19 Presented to Governor.........................2094

LEGISLATIVE BILL 12 By Maresh

Jan. 8	Read first time	76
Jan. 9	Referred to Committee on Revenue	94
Feb. 3	Notice of hearing	404
Mar. 5	Placed on General File	762
Mar. 27	Beutler amendment pending	1162
May 1	Advanced for Review	1678
May 4	Placed on Select File	1725
May 8	Sieck amendment lost. Advanced for Engrossment	1895
May 11	Correctly Engrossed	1900
May 14	Maresh motion to return to Select File lost	2023
May 14	Final Reading	2024
May 14	Speaker signed	2051
May 19	Presented to Governor	2094
May 21	Returned by Governor without approval	2166
May 21	Motion to override veto laid over	2176
May 27	Marsh, V. Johnson, Newell names added to Beutler motion to override. Motion to override veto lost	2312
May 27	Warner motion to reconsider withdrawn	2319

LEGISLATIVE BILL 13 By Kremer

Jan. 8	Read first time	76
Jan. 9	Referred to Committee on Education	95
Jan. 29	Notice of hearing	356
Mar. 13	Indefinitely postponed	899

LEGISLATIVE BILL 14 By Clark, Hefner, Rumery

Jan. 8	Read first time	76
Jan. 9	Referred to Committee on Public Works	95
Jan. 13	Notice of hearing	141
Feb. 3	Placed on General File	401
Feb. 6	Advanced for Review	457
Feb. 10	Placed on Select File	483
Feb. 11	Advanced for Engrossment	494
Feb. 12	Correctly Engrossed	514
Feb. 20	Final Reading	598
Feb. 20	Speaker signed	612
Feb. 23	Presented to Governor	620
Feb. 24	Approved by Governor	639

LEGISLATIVE BILL 15 By Clark, Hefner, Rumery

Jan. 8	Read first time	76
Jan. 9	Referred to Committee on Education	95
Jan. 20	Notice of hearing	270
Jan. 28	Placed on General File	346
Jan. 29	Advanced for Review	358
Feb. 2	Placed on Select File	385
Feb. 6	Advanced for Engrossment	454
Feb. 9	Correctly Engrossed	467
Feb. 17	Final Reading	536
Feb. 17	President signed	552
Feb. 18	Presented to Governor	557
Feb. 19	Approved by Governor	580

LEGISLATIVE BILL 16 By Wiitala

Jan. 8	Read first time	76
Jan. 9	Referred to Committee on Education	95
Jan. 20	Notice of hearing	270
Jan. 28	Placed on General File	346
Jan. 29	Advanced for Review	358
Feb. 2	Placed on Select File	385
Feb. 6	Advanced for Engrossment	454
Feb. 9	Correctly Engrossed	467
Feb. 17	Final Reading	537
Feb. 17	President signed	552
Feb. 18	Presented to Governor	557
Feb. 19	Approved by Governor	580

LEGISLATIVE BILL 17 By Koch, Carsten

Jan. 8	Read first time	77
Jan. 9	Referred to Committee on Revenue	95
Feb. 3	Notice of hearing	404
Feb. 20	Placed on General File	615
Mar. 11	Koch amendment to Committee amendment printed	871
Mar. 16	Marvel priority bill	949
Mar. 18	Committee amendment adopted as amended by Koch pending amendment p. 871. Stoney amendment lost. Advanced for Review	991
Mar. 18	Beutler explanation of vote	992
Mar. 18	Kilgarin explanation of vote	1002
Mar. 23	Placed on Select File	1050

Mar. 24 Attorney General's Opinion 1104
Mar. 26 E and R amendment adopted. Pirsch amendment adopted. Advanced for Engrossment 1146
Mar. 30 Correctly Engrossed....1189
Mar. 31 Koch amendment printed....1210
Mar. 31 E and R changes....1221
Apr. 1 Pirsch amendment printed....1252
Apr. 2 Returned to Select File for Koch amendment. Koch amendment adopted. Advanced for Re-Engrossment. Pirsch pending amendment p. 1252 withdrawn. Stoney motion to return to Select File lost 1272
Apr. 6 Correctly Re-Engrossed....1317
Apr. 9 Stoney motion to return to Select File lost 1369
Apr. 9 Final Reading....1370
Apr. 10 Barrett explanation of vote....1392
Apr. 10 President signed 1394
Apr. 10 Presented to Governor....1410
Apr. 13 Approved by Governor 1446

LEGISLATIVE BILL 18 By Vickers

Jan. 8 Read first time....77
Jan. 9 Referred to Committee on Government, Military and Veterans Affairs....95
Jan. 15 Notice of hearing 193
Jan. 29 Wagner name added....357
Feb. 3 Placed on General File....400
Feb. 6 Committee amendment adopted. Advanced for Review....457
Feb. 10 Placed on Select File 483
Feb. 11 Advanced for Engrossment 494
Feb. 12 Correctly Engrossed....514
Feb. 20 Final Reading....599
Feb. 20 Speaker signed 612
Feb. 23 Presented to Governor....620
Feb. 24 Approved by Governor 639

LEGISLATIVE BILL 19 By Labedz

Jan. 8 Read first time....80
Jan. 9 Referred to Committee on Revenue 95
Jan. 20 Notice of hearing 302
Mar. 19 Indefinitely postponed....1042

LEGISLATIVE BILL 20 By Lamb

Jan. 8	Read first time	80
Jan. 9	Referred to Committee on Business and Labor	95
Jan. 15	Notice of hearing	189
Jan. 30	Placed on General File	375
Feb. 4	Committee amendment adopted. Maresh amendment adopted. Advanced for Review	426
Feb. 9	Placed on Select File	466
Feb. 10	Advanced for Engrossment	484
Feb. 11	Correctly Engrossed	498
Feb. 19	Final Reading	581
Feb. 20	President signed	594
Feb. 20	Presented to Governor	611
Feb. 23	Approved by Governor	620

LEGISLATIVE BILL 21 By Lamb

Jan. 8	Read first time	80
Jan. 9	Referred to Committee on Government, Military and Veterans Affairs	95
Jan. 15	Notice of hearing	194
Feb. 9	Placed on General File	481
Feb. 18	Committee amendments adopted. Advanced for Review	558
Feb. 20	Placed on Select File	589
Feb. 23	E and R amendments adopted. Lamb amendment adopted. Advanced for Engrossment	631
Feb. 25	Correctly Engrossed	661
Mar. 2	Final Reading	707
Mar. 3	President signed	723
Mar. 3	Presented to Governor	732
Mar. 6	Approved by Governor	772

LEGISLATIVE BILL 22 By Landis

Jan. 8	Read first time	80
Jan. 9	Referred to Committee on Public Works	95
Jan. 13	Notice of hearing	141
Feb. 20	Placed on General File	616
Mar. 9	Committee amendments adopted. Advanced for Review	805
Mar. 11	Placed on Select File	841
Mar. 13	E and R amendments adopted. Advanced for Engrossment	919
Mar. 16	Correctly Engrossed	943

May 12	Final Reading	1955
May 12	Warner explanation of vote	1957
May 12	Speaker signed	1962
May 12	Presented to Governor	1977
May 14	Approved by Governor	2049

LEGISLATIVE BILL 22A By Landis

Mar. 11	Read first time. Placed on General File	870
Apr. 1	Advanced for Review	1259
Apr. 6	Placed on Select File	1288
Apr. 9	Advanced for Engrossment	1389
Apr. 10	Correctly Engrossed	1410
May 12	Final Reading	1956
May 12	Warner explanation of vote	1957
May 12	Speaker signed	1962
May 12	Presented to Governor	1977
May 14	Approved by Governor	2049

LEGISLATIVE BILL 23 By Landis

Jan. 8	Read first time	81
Jan. 9	Referred to Committee on Judiciary	95
Jan. 26	Notice of hearing	329
Feb. 27	Indefinitely postponed	697

LEGISLATIVE BILL 24 By Haberman

Jan. 8	Read first time	81
Jan. 9	Referred to Committee on Public Works	95
Jan. 13	Notice of hearing	141
Feb. 4	Placed on General File	423
Feb. 5	Haberman amendment printed	446
Feb. 6	Haberman pending amendment withdrawn. Committee amendments adopted as amended by Haberman and DeCamp amendments. Cullan amendment lost. Advanced for Review	459
Feb. 10	Placed on Select File	484
Feb. 11	Advanced for Engrossment	495
Feb. 17	Correctly Engrossed	526
Feb. 19	Warner amendment printed	567
Feb. 23	Returned to Select File for Haberman amendment. Haberman amendment adopted. Advanced for Re-Engrossment	620
Feb. 23	Returned to Select File for Warner	

	amendment. Warner pending amendment p. 567 adopted. Advanced for Re-Engrossment	621
Feb. 24	E and R change. Correctly Re-Engrossed	640
Mar. 2	Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Re-Engrossment	706
Mar. 3	Correctly Re-Engrossed	732
Mar. 10	Final Reading	823
Mar. 11	Speaker signed	848
Mar. 11	Presented to Governor	856
Mar. 11	Koch explanation of vote	857
Mar. 17	Approved by Governor	951

LEGISLATIVE BILL 25 By Haberman

Jan. 8	Read first time	81
Jan. 9	Referred to Committee on Revenue	95
Feb. 5	Notice of hearing	447

LEGISLATIVE BILL 26 By Marsh

Jan. 8	Read first time	81
Jan. 9	Referred to Committee on Government, Military and Veterans Affairs	95
Jan. 15	Notice of hearing	194
Feb. 3	Indefinitely postponed	401

LEGISLATIVE BILL 27 By Marsh

Jan. 8	Read first time	81
Jan. 9	Referred to Committee on Miscellaneous Subjects	95
Jan 20	Notice of hearing	302
Feb. 2	Placed on General File	389
Feb. 5	Advanced for Review	444
Feb. 9	Placed on Select File	467
Feb. 10	Advanced for Engrossment	484
Feb. 11	Correctly Engrossed	498
Feb. 19	Final Reading	582
Feb. 20	President signed	594
Feb. 20	Presented to Governor	611
Feb. 27	Approved by Governor	682

LEGISLATIVE BILL 28 By Barrett

Jan. 8	Read first time	82
Jan. 9	Referred to Committee on Judiciary	95
Jan. 20	Notice of hearing	269
Jan. 30	Placed on General File	368
Feb. 3	Advanced for Review	407
Feb. 5	Placed on Select File	440
Feb. 9	Advanced for Engrossment	470
Feb. 10	Correctly Engrossed	488
Feb. 19	Final Reading	568
Feb. 19	Stoney explanation of vote	581
Feb. 20	President signed	594
Feb. 20	Presented to Governor	611
Feb. 23	Approved by Governor	620

LEGISLATIVE BILL 29 By Beutler, Fitzgerald

Jan. 8	Read first time	82
Jan. 9	Referred to Committee on Judiciary	95
Jan. 20	Notice of hearing	269
Jan. 30	Placed on General File	368
Feb. 3	Committee amendment adopted. Advanced for Review	407
Feb. 5	Placed on Select File	440
Feb. 9	Advanced for Engrossment	470
Feb. 9	Fitzgerald-Beutler amendment printed	482
Feb. 10	Returned to Select File for Fitzgerald-Beutler pending amendment. Fitzgerald-Beutler amendment adopted. Advanced for Re-Engrossment	488
Feb. 11	Correctly Engrossed	498
Feb. 19	Final Reading	583
Feb. 20	President signed	594
Feb. 20	Presented to Governor	611
Feb. 23	Approved by Governor	620

LEGISLATIVE BILL 30 By Koch

Jan. 8	Read first time	82
Jan. 9	Referred to Committee on Public Works	95
Jan. 13	Re-referred to Committee on Urban Affairs	133
Jan. 14	Notice of hearing	170
Jan. 30	Placed on General File	381
Feb. 3	Newell amendment printed	410
Feb. 5	Committee amendments adopted. Newell pending	

	amendment withdrawn. Newell amendment adopted. Advanced for Review	443
Feb. 6	Committee amendment (Correction)	451
Feb. 9	Placed on Select File	467
Feb. 10	Advanced for Engrossment	484
Feb. 11	Correctly Engrossed	498
Feb. 19	Final Reading	583
Feb. 20	President signed	594
Feb. 20	Attorney General's Opinion	608
Feb. 20	Presented to Governor	611
Feb. 27	Returned by Governor without approval	685
Mar. 4	Motion to override Governor's veto laid over	744
Mar. 5	Pending motion to override Governor's veto passed over	758

LEGISLATIVE BILL 31 By Vickers

Jan. 8	Read first time	83
Jan. 9	Referred to Committee on Urban Affairs	95
Jan. 14	Notice of hearing	170
Feb. 6	Placed on General File	456
Feb. 10	Committee amendment adopted. Advanced for Review	485
Feb. 10	Wagner explanation of vote	488
Feb. 12	Placed on Select File	511
Feb. 17	Advanced for Engrossment	536
Feb. 18	Correctly Engrossed	555
Feb. 23	Final Reading	621
Feb. 23	Speaker signed	627
Feb. 24	Presented to Governor	640
Mar. 2	Approved by Governor	701

LEGISLATIVE BILL 32 By Vickers

Jan. 8	Read first time	83
Jan. 9	Referred to Committee on Public Works	95
Jan. 12	Von Minden name added	119
Jan. 13	Re-referred to Committee on Judiciary	126
Feb. 2	Notice of hearing	390
Feb. 27	Placed on General File	694
Mar. 10	Attorney General's Opinion	819

LEGISLATIVE BILL 32A By Vickers

Mar. 13	Read first time. Placed on General File	905

LEGISLATIVE BILL 33 By Vickers

Jan. 8	Read first time	83
Jan. 9	Referred to Committee on Urban Affairs	95
Jan. 14	Notice of hearing	170
Feb. 5	Placed on General File	449
Feb. 10	Beutler amendment adopted. Advanced for Review	484
Feb. 12	Placed on Select File	511
Feb. 17	Advanced for Engrossment	536
Feb. 18	Correctly Engrossed	555
Feb. 23	Final Reading	622
Feb. 23	Speaker signed	627
Feb. 24	Presented to Governor	640
Mar. 2	Approved by Governor	701

LEGISLATIVE BILL 34 By Vickers

Jan. 8	Read first time	84
Jan. 9	Referred to Committee on Public Works	95
Jan. 14	Notice of hearing	167
Feb. 6	Placed on General File	463
Feb. 12	Vickers amendment printed	522
Feb. 17	Committee amendments adopted. Vickers pending amendment p. 522 adopted as amended by Vickers amendment. Advanced for Review	545
Feb. 19	Placed on Select File	565
Feb. 19	Wesely amendment printed	586
Feb. 23	E and R amendment adopted. Wesely pending amendment p. 586 adopted. Rumery amendment to Wesely pending amendment lost. Advanced for Engrossment	630
Feb. 23	Wesely name added	634
Feb. 27	DeCamp amendment printed	688
Mar. 2	Correctly Engrossed. E and R changes	703
Mar. 4	Lamb amendment printed	745
Mar. 5	Lamb pending amendment p. 745 withdrawn. Lamb motion to return to Select File lost	753
Mar. 5	Final Reading	755
Mar. 6	President signed	772
Mar. 10	Presented to Governor	817
Mar. 11	Approved by Governor	844

LEGISLATIVE BILL 35 By Vickers

Jan. 8	Read first time	84
Jan. 9	Referred to Committee on Public Works	95
Jan. 12	Von Minden name added	119
Jan. 14	Notice of hearing	167
Mar. 13	Vickers priority bill	924
Mar. 16	Placed on General File	945
Apr. 7	Fenger amendment adopted. Marsh motion to indefinitely postpone lost. Advanced for Review	1338
Apr. 9	Placed on Select File	1365
Apr. 15	E and R amendment adopted. Wesely-Beutler amendment pending. Hefner, Goll, Maresh amendments to Wesely-Beutler pending amendment adopted. V. Johnson and Koch amendments to Wesely-Beutler pending amendment lost	1485
Apr. 15	Wesely-Beutler pending amendment lost. Advanced for Engrossment	1489
Apr. 23	Correctly Engrossed	1529
Apr. 27	DeCamp-Wesely amendment printed	1597
Apr. 28	Returned to Select File for DeCamp-Wesely pending amendment p. 1597	1600
Apr. 28	DeCamp-Wesely pending amendment adopted. Advanced for Re-Engrossment	1601
Apr. 30	Correctly Re-Engrossed. E and R changes	1646
May 5	Final Reading	1742
May 5	Haberman explanation of vote	1753
May 6	President signed	1777
May 6	Presented to Governor	1786
May 7	Dworak explanation of vote	1824
May 8	Approved by Governor	1883

LEGISLATIVE BILL 36 By Agriculture and Environment Committee

Jan. 8	Read first time	84
Jan. 9	Referred to Committee on Agriculture and Environment	95
Jan. 16	Notice of hearing	199
Mar. 4	Notice of hearing (rehearing)	741
Apr. 6	Placed on General File	1309

LEGISLATIVE BILL 37 By Newell

Jan. 8	Read first time	85
Jan. 9	Referred to Committee on Public Works	101
Jan. 13	Re-referred to Committee on Urban Affairs	133
Jan. 14	Notice of hearing	170
Jan. 30	Stoney name added	380
Jan. 30	Placed on General File	381
Feb. 5	Committee amendment adopted. Advanced for Review	443
Feb. 9	Placed on Select File	467
Feb. 10	Advanced for Engrossment	484
Feb. 11	Correctly Engrossed	498
Feb. 19	Final Reading	584
Feb. 20	President signed	594
Feb. 20	Presented to Governor	611
Feb. 23	Approved by Governor	620

LEGISLATIVE BILL 38 By Kahle

Jan. 8	Read first time	85
Jan. 9	Referred to Committee on Agriculture and Environment	101
Jan. 16	Notice of hearing	199
Feb. 10	Placed on General File	485
Feb. 18	Committee amendment adopted. DeCamp amendment withdrawn. Advanced for Review	562
Feb. 20	Placed on Select File	590
Feb. 23	E and R amendments adopted. Advanced for Engrossment	633
Feb. 25	Correctly Engrossed	661
Mar. 2	Returned to Select File for DeCamp amendment. DeCamp amendment adopted. Advanced for Re-Engrossment. Returned to Select File for V. Johnson amendment. V. Johnson amendment adopted	708
Mar. 3	Advanced for Re-Engrossment	718
Mar. 3	Correctly Re-Engrossed	732
Mar. 10	Final Reading	824
Mar. 10	Kilgarin explanation of vote	833
Mar. 11	Speaker signed	848
Mar. 11	Presented to Governor	856
Mar. 11	Koch explanation of vote	857
Mar. 17	Approved by Governor	951
Mar. 17	Higgins explanation of vote	966

LEGISLATIVE BILL 39 By Kahle

Jan. 8	Read first time	85
Jan. 9	Referred to Committee on Public Health and Welfare	101
Jan. 19	Notice of hearing	260
Jan. 20	Notice of hearing (Correction)	269
Jan. 30	Placed on General File	379
Mar. 16	Marvel priority bill	949
Mar. 23	Committee amendment adopted. Advanced for Review	1061
Mar. 25	Placed on Select File	1121
Mar. 30	E and R amendment adopted. Warner motion to indefinitely postpone laid over	1184
Apr. 2	Warner pending motion p. 1184 lost. Advanced for Engrossment	1277
Apr. 2	Koch amendment printed	1282
Apr. 6	Correctly Engrossed	1317
May 12	Returned to Select File for Koch amendment. Koch amendment adopted. Advanced for Re-Engrossment	1944
May 13	Correctly Re-Engrossed	1989
May 20	Warner motion lost. Final Reading	2128
May 20	Speaker signed	2139
May 20	Presented to Governor	2144
May 26	Returned by Governor without approval	2267
May 26	Motion to override veto laid over	2268
May 27	Pending motion to override veto prevailed	2317
May 27	Letter	2319
May 27	Certificate	2320
May 27	Letter. Certificate	2330

LEGISLATIVE BILL 39A By Kahle

Feb. 4	Read first time. Placed on General File	416
Mar. 23	Advanced for Review	1061
Mar. 25	Placed on Select File	1121
Apr. 2	Advanced for Engrossment	1278
Apr. 6	Correctly Engrossed	1317
May 12	Returned to Select File for Kahle amendment. Kahle amendment adopted. Advanced for Re-Engrossment	1944
May 13	Correctly Re-Engrossed	1989
May 20	Warner motion lost	2128
May 20	Final Reading	2129
May 20	Speaker signed	2139

May 20	Presented to Governor	2144
May 26	Returned by Governor without approval	2267
May 26	Motion to override veto laid over	2268
May 27	Pending motion to override veto prevailed	2318
May 27	Letter. Certificate	2320
May 27	Letter. Certificate	2331
May 28	Record vote (Correction)	2355

LEGISLATIVE BILL 40 By DeCamp

Jan. 8	Read first time	86
Jan. 9	Koch name added	96
Jan. 9	Referred to Committee on Revenue	101
Jan. 12	Goodrich name added	113
Feb. 3	Notice of hearing	404
Feb. 23	Placed on General File	637
Mar. 16	Marvel priority bill	949
Mar. 23	Committee amendment adopted. Failed to advance for Review	1074
Mar. 31	DeCamp amendment adopted. Chambers motion to indefinitely postpone lost	1227
Mar. 31	Chambers amendment pending	1229
Apr. 1	Chambers motion to overrule agenda lost	1246
Apr. 1	Chambers pending amendment p. 1229 withdrawn. Newell name added. Advanced for Review	1258
Apr. 1	Goodrich-Newell amendment printed	1261
Apr. 6	Koch-DeCamp amendment printed	1262
Apr. 6	Placed on Select File	1288
Apr. 8	Koch-DeCamp pending amendment p. 1262 withdrawn. Hoagland amendment to DeCamp pending amendment lost	1354
Apr. 8	DeCamp pending amendment p. 1354 withdrawn. Lamb amendment to DeCamp pending amendment withdrawn. Goodrich-Newell pending amendment p. 1261 withdrawn. Advanced for Engrossment	1355
Apr. 8	Landis explanation of vote	1358
Apr. 9	Correctly Engrossed	1376
Apr. 10	Barrett explanation of vote	1392
Apr. 14	DeCamp motion to suspend rules pending	1462
Apr. 14	DeCamp pending motion p. 1462 prevailed	1464
Apr. 14	Final Reading	1465
Apr. 15	Speaker signed	1477
Apr. 15	Presented to Governor	1488
Apr. 15	Approved by Governor	1502

LEGISLATIVE BILL 41 By Higgins

Jan. 8	Read first time	86
Jan. 9	Referred to Committee on Government, Military and Veterans Affairs	101
Jan. 15	Notice of hearing	194
Feb. 3	Placed on General File	400
Feb. 6	Advanced for Review	457
Feb. 10	Placed on Select File	483
Feb. 11	Advanced for Engrossment	494
Feb. 12	Correctly Engrossed	514
Feb. 20	Final Reading	600
Feb. 20	Haberman explanation of vote	611
Feb. 20	Speaker signed	612
Feb. 23	Presented to Governor	620
Feb. 24	Approved by Governor	639

LEGISLATIVE BILL 42 By Judiciary Committee

Jan. 8	Read first time	86
Jan. 9	Referred to Committee on Judiciary	101
Jan. 20	Notice of hearing	269
Jan. 30	Placed on General File	369
Feb. 3	Committee amendment adopted. Advanced for Review	408
Feb. 5	Placed on Select File	440
Feb. 9	E and R amendment adopted. Nichol amendment adopted. Advanced for Engrossment	470
Feb. 10	Correctly Engrossed	488
Feb. 19	Final Reading	568
Feb. 19	Stoney explanation of vote	581
Feb. 20	President signed	594
Feb. 20	Presented to Governor	611
Feb. 23	Approved by Governor	620

LEGISLATIVE BILL 43 By Judiciary Committee

Jan. 8	Read first time	87
Jan. 9	Referred to Committee on Judiciary	101
Jan. 20	Notice of hearing	269
Jan. 30	Placed on General File	370
Feb. 3	Advanced for Review	408
Feb. 6	Placed on Select File	453
Feb. 9	E and R amendments adopted. Advanced for Engrossment	470
Feb. 11	Correctly Engrossed	494

Feb. 19	Final Reading	585
Feb. 20	President signed	594
Feb. 20	Presented to Governor	611
Feb. 23	Approved by Governor	620

LEGISLATIVE BILL 44 By Law Enforcement and Justice Advisory Committee

Jan. 8	Read first time	87
Jan. 9	Referred to Committee on Judiciary	101
Jan. 20	Notice of hearing	269
Mar. 3	Placed on General File	731
Mar. 27	Committee amendments adopted. Wesely amendment adopted. Advanced for Review	1170
Mar. 31	Wesely amendment printed	1212
Apr. 1	Placed on Select File	1236
Apr. 7	E and R amendments adopted. Wesely pending amendment p. 1212 adopted. Advanced for Engrossment	1324
Apr. 9	Correctly Engrossed. E and R changes	1376
Apr. 15	Final Reading	1478
Apr. 16	Haberman explanation of vote	1481
Apr. 16	President signed	1503
Apr. 16	Presented to Governor	1513
Apr. 16	Approved by Governor	1520

LEGISLATIVE BILL 45 By Law Enforcement and Justice Advisory Committee

Jan. 8	Read first time	87
Jan. 9	Referred to Committee on Government, Military and Veterans Affairs	101
Jan. 15	Notice of hearing	193
Feb. 3	Placed on General File	400
Feb. 4	V. Johnson-Chambers amendment printed	417
Feb. 5	V. Johnson-Chambers pending amendment adopted. Chambers amendment lost. Remmers motion to reconsider prevailed. Remmers amendment adopted. Advanced for Review	444
Feb. 9	Placed on Select File	467
Feb. 10	Advanced for Engrossment	484
Feb. 11	Attorney General's Opinion	492
Feb. 11	Correctly Engrossed	498
Feb. 20	Final Reading	594
Feb. 20	Speaker signed	612
Feb. 23	Sieck explanation of vote	619

Feb. 23	Presented to Governor	620
Feb. 24	Approved by Governor	639

LEGISLATIVE BILL 46 By Rumery

Jan. 8	Read first time	87
Jan. 9	Referred to Committee on Public Works	101
Jan. 13	Notice of hearing	141
Jan. 30	Placed on General File	371
Feb. 3	Committee amendment adopted. Rumery amendment adopted. Advanced for Review	408
Feb. 6	Placed on Select File	453
Feb. 9	E and R amendments adopted. Advanced for Engrossment	470
Feb. 11	Correctly Engrossed	494
Feb. 20	Final Reading	595
Feb. 20	Speaker signed	612
Feb. 23	Presented to Governor	620
Feb. 24	Approved by Governor	639
May 14	Attorney General's Opinion	2031

LEGISLATIVE BILL 47 By Rumery

Jan. 8	Read first time	88
Jan. 9	Referred to Committee on Public Works	101
Jan. 13	Notice of hearing	141
Feb. 24	Placed on General File	641
Mar. 9	Rumery amendment to Committee amendment printed	807
Mar. 11	Committee amendment adopted as amended by Rumery pending amendment. Advanced for Review	867
Mar. 13	Placed on Select File	898
Mar. 18	Newell amendment printed	999
Mar. 19	E and R amendments adopted. Newell pending amendment p. 999 adopted. Advanced for Engrossment	1025
Mar. 23	Correctly Engrossed. E and R changes	1051
Mar. 31	Final Reading	1204
Apr. 1	Speaker signed	1235
Apr. 1	Presented to Governor	1257
Apr. 6	Approved by Governor	1290

LEGISLATIVE BILL 48 By Fowler, Newell, Wiitala

Jan. 8	Read first time	88
Jan. 9	Referred to Committee on Revenue	101
Feb. 3	Notice of hearing	404
Mar. 24	Indefinitely postponed	1089

LEGISLATIVE BILL 49 By Rumery

Jan. 8	Read first time	90
Jan. 9	Referred to Committee on Constitutional Revision and Recreation	101
Jan. 19	Notice of hearing	222
Feb. 18	Indefinitely postponed	559

LEGISLATIVE BILL 50 By Landis

Jan. 8	Read first time	92
Jan. 13	Referred to Committee on Judiciary	126
Jan. 20	Notice of hearing	270
Feb. 20	Placed on General File	603
Mar. 6	Committee amendments adopted. Haberman amendment withdrawn. Advanced for Review	785
Mar. 10	Placed on Select File	817
Mar. 13	E and R amendments adopted. Advanced for Engrossment	919
Mar. 16	Correctly Engrossed	943
Mar. 24	Final Reading	1098
Mar. 25	Speaker signed	1122
Mar. 25	Presented to Governor	1127
Mar. 26	Approved by Governor	1155

LEGISLATIVE BILL 51 By Rumery

Jan. 8	Read first time	92
Jan. 9	Referred to Committee on Public Works	101
Jan. 13	Notice of hearing	141
Feb. 3	Placed on General File	401
Feb. 6	Committee amendments adopted. Advanced for Review	457
Feb. 10	Placed on Select File	483
Feb. 11	E and R amendment adopted. Advanced for Engrossment	494
Feb. 12	Correctly Engrossed	514
Feb. 27	Rumery amendment printed	684
Mar. 4	Returned to Select File for Rumery amendment	739
Mar. 4	Rumery pending amendment p. 684 adopted.	

	Advanced for Engrossment	740
Mar. 6	Correctly Re-Engrossed	771
Mar. 11	Wesely motion to return to Select File lost	848
Mar. 11	Final Reading	849
Mar. 12	Speaker signed	872
Mar. 12	Presented to Governor	887
Mar. 17	Approved by Governor	951

LEGISLATIVE BILL 52 By Rumery

Jan. 9	Read first time	97
Jan. 13	Referred to Committee on Public Works	126
Jan. 14	Notice of hearing	167
Jan. 26	Rumery motion prevailed. Withdrawn	327

LEGISLATIVE BILL 53 By Sieck

Jan. 9	Read first time	97
Jan. 13	Referred to Committee on Judiciary	126
Feb. 3	Notice of hearing	402
Mar. 13	Sieck priority bill	924

LEGISLATIVE BILL 54 By DeCamp

Jan. 9	Read first time	97
Jan. 13	Referred to Committee on Judiciary	126
Jan. 20	Notice of hearing	270
Feb. 11	Placed on General File	506
Feb. 24	Committee amendments adopted. Advanced for Review	647
Feb. 26	Placed on Select File	673
Mar. 2	Advanced for Engrossment	717
Mar. 3	Correctly Engrossed	732
Mar. 10	Final Reading	825
Mar. 10	Kilgarin explanation of vote	833
Mar. 11	Speaker signed	848
Mar. 11	Presented to Governor	856
Mar. 11	Koch explanation of vote	857
Mar. 12	Approved by Governor	884
Mar. 17	Higgins explanation of vote	966

LEGISLATIVE BILL 55 By Cullan

Jan. 9	Read first time	98
Jan. 13	Referred to Committee on Judiciary	126
Feb. 2	Notice of hearing	390

Feb. 17	Placed on General File	547
Feb. 27	Advanced for Review	690
Mar. 3	Placed on Select File	729
Mar. 4	Cullan amendment lost. Advanced for Engrossment	743
Mar. 9	Correctly Engrossed	809
Mar. 12	Final Reading	876
Mar. 13	President signed	899
Mar. 13	Presented to Governor	917
Mar. 17	Approved by Governor	951
Mar. 17	Higgins explanation of vote	966

LEGISLATIVE BILL 56 By Cullan

Jan. 9	Read first time	98
Jan. 13	Referred to Committee on Public Works	126
Jan. 20	Notice of hearing	270
Mar. 6	Placed on General File	776
Mar. 9	Cullan priority bill	807
Mar. 11	Committee amendments adopted as amended by Cullan, Kremer, and Beutler amendments. Advanced for Review	866
Mar. 13	Placed on Select File	898
Mar. 19	E and R amendments adopted. Advanced for Engrossment	1024
Mar. 23	Correctly Engrossed	1051
Mar. 31	Returned to Select File for Cullan amendment	1204
Mar. 31	Cullan pending amendment adopted. Advanced for Re-Engrossment. Beutler motion to return to Select File lost	1205
Apr. 1	Correctly Re-Engrossed	1235
Apr. 6	Final Reading	1295
Apr. 7	Speaker signed	1323
Apr. 7	Presented to Governor	1337
Apr. 7	Approved by Governor	1343

LEGISLATIVE BILL 57 By Dworak

Jan. 9	Read first time	98
Jan. 13	Referred to Committee on Banking, Commerce and Insurance	126
Jan. 14	Notice of hearing	162
Jan. 20	Placed on General File	301
Jan. 27	Committee amendment adopted. Advanced for Review	335

Jan. 28	Placed on Select File	342
Jan. 29	E and R amendment adopted. Advanced for Engrossment	358
Jan. 30	Correctly Engrossed	368
Feb. 4	Final Reading	421
Feb. 5	Speaker signed	441
Feb. 6	Presented to Governor	451
Feb. 6	Hoagland explanation of vote	456
Feb. 11	Approved by Governor	491

LEGISLATIVE BILL 58 By Sieck

Jan. 9	Read first time	98
Jan. 13	Referred to Committee on Urban Affairs	126
Jan. 14	Notice of hearing	170
Jan. 19	Attorney General's Opinion	220
Jan. 20	Notice of hearing (reset)	297
Jan. 29	Attorney General's Opinion	360
Feb. 27	Placed on General File	686
Mar. 27	Committee amendments adopted as amended by Vickers. Advanced for Review	1167
Mar. 31	Placed on Select File	1203
Apr. 6	E and R amendment adopted. Advanced for Engrossment	1301
Apr. 7	Correctly Engrossed	1343
Apr. 13	Returned to Select File for Sieck amendment. Sieck amendment adopted. Advanced for Re-Engrossment	1427
Apr. 13	Returned to Select File for Beutler amendment. Beutler amendment adopted. Advanced for Re-Engrossment	1428
Apr. 14	Correctly Re-Engrossed	1458
Apr. 23	Final Reading	1531
Apr. 24	Speaker signed	1551
Apr. 24	Presented to Governor	1569
Apr. 27	Approved by Governor	1594

LEGISLATIVE BILL 59 By Carsten

Jan. 9	Read first time	98
Jan. 13	Referred to Committee on Revenue	126
Jan. 20	Notice of hearing	302
Mar. 5	Attorney General's Opinion	748
Mar. 5	Placed on General File	762
Mar. 13	Carsten priority bill	925
Mar. 26	Committee amendments adopted.	

	Advanced for Review	1154
Mar. 30	Placed on Select File	1195
Apr. 2	E and R amendments adopted. Advanced for Engrossment	1280
Apr. 6	Correctly Engrossed	1317
Apr. 9	Final Reading	1371
Apr. 10	Barrett explanation of vote	1392
Apr. 10	President signed	1394
Apr. 10	Presented to Governor	1410
Apr. 13	Approved by Governor	1446

LEGISLATIVE BILL 60 By L. Johnson, H. Peterson

Jan. 9	Read first time	98
Jan. 13	Referred to Committee on Banking, Commerce and Insurance	126
Jan. 14	Notice of hearing	162
Jan. 19	Placed on General File	260
Jan. 26	Advanced for Review	327
Jan. 27	Placed on Select File	337
Jan. 28	Advanced for Engrossment	341
Jan. 29	Correctly Engrossed	356
Feb. 4	Final Reading	419
Feb. 5	Speaker signed	441
Feb. 6	Presented to Governor	451
Feb. 6	Hoagland explanation of vote	456
Feb. 11	Approved by Governor	491

LEGISLATIVE BILL 61 By Labedz

Jan. 9	Read first time	98
Jan. 13	Referred to Committee on Revenue	126
Jan. 14	Kilgarin, Pirsch, Wiitala names added	173
Feb. 3	Notice of hearing	404
Mar. 26	Indefinitely postponed	1151

LEGISLATIVE BILL 62 By Haberman, Remmers

Jan. 9	Read first time	99
Jan. 13	Referred to Committee on Revenue	126
Feb. 5	Notice of hearing	447
Mar. 24	Indefinitely postponed	1089

LEGISLATIVE BILL 63 By Haberman, Remmers

Jan. 9	Read first time	99
Jan. 13	Referred to Committee on Education	126
Jan. 20	Notice of hearing	270
Mar. 12	Haberman motion laid over	883
Mar. 12	Indefinitely postponed	887

LEGISLATIVE BILL 64 By Nichol

Jan. 9	Read first time	99
Jan. 13	Referred to Committee on Public Works	126
Jan. 14	Notice of hearing	167
Feb. 4	Placed on General File	414
Feb. 6	Committee amendments adopted. Advanced for Review	457
Feb. 10	Placed on Select File	483
Feb. 11	E and R amendment adopted. Advanced for Engrossment	494
Feb. 12	Correctly Engrossed	514
Feb. 20	Final Reading	601
Feb. 20	Haberman explanation of vote	611
Feb. 20	Speaker signed	612
Feb. 23	Presented to Governor	620
Feb. 24	Approved by Governor	639

LEGISLATIVE BILL 65 By Nichol

Jan. 9	Read first time	99
Jan. 13	Referred to Committee on Public Works	126
Jan. 16	Notice of hearing	203
Feb. 4	Placed on General File	416
Feb. 6	Committee amendment lost. Advanced for Review	458
Feb. 10	Placed on Select File	484
Feb. 11	Wesely amendment adopted. Advanced for Engrossment	495
Feb. 12	Correctly Engrossed	514
Feb. 20	Returned to Select File for Nichol amendment	601
Feb. 20	Nichol amendment adopted. Advanced for Re-Engrossment	602
Feb. 23	Correctly Re-Engrossed	620
Mar. 2	Final Reading	705
Mar. 3	President signed	723
Mar. 3	Presented to Governor	732
Mar. 5	Approved by Governor	747

LEGISLATIVE BILL 66 By Nichol

Jan. 9 Read first time....................99
Jan. 13 Referred to Committee on Government, Military and Veterans Affairs....................126
Jan. 15 Notice of hearing....................193
Feb. 3 Indefinitely postponed....................401

LEGISLATIVE BILL 67 By Rumery

Jan. 9 Read first time....................100
Jan. 13 Referred to Committee on Miscellaneous Subjects....................126
Jan. 20 Notice of hearing....................302
Feb. 9 Placed on General File....................481
Feb. 18 Committee amendments adopted. Advanced for Review....................561
Feb. 20 Placed on Select File....................590
Feb. 23 E and R amendment adopted. Advanced for Engrossment....................633
Feb. 25 Correctly Engrossed....................661
Mar. 2 Final Reading....................709
Mar. 3 President signed....................723
Mar. 3 Presented to Governor....................732
Mar. 9 Approved by Governor....................791

LEGISLATIVE BILL 68 By Hefner

Jan. 9 Read first time....................100
Jan. 13 Referred to Committee on Business and Labor...126
Jan. 15 Notice of hearing....................189
Jan. 29 Attorney General's Opinion....................364
Feb. 3 Indefinitely postponed....................401

LEGISLATIVE BILL 69 By Marsh

Jan. 9 Read first time....................100
Jan. 13 Referred to Committee on Public Works....................126
Jan. 14 Notice of hearing....................167
Jan. 14 Re-referred to Committee on Public Health and Welfare....................176
Jan. 16 Notice of hearing....................203
Jan. 19 Notice of hearing (reset)....................260
Jan. 30 Placed on General File....................379
Feb. 4 Committee amendment (1) lost. Committee amendment (2) adopted. Haberman motion

	to indefinitely postpone lost	426
Feb. 4	Burrows amendment lost. DeCamp and Maresh amendments adopted. Failed to advance for Review	430
Feb. 17	Failed to advance for Review	544
Mar. 5	Attorney General's Opinion	751

LEGISLATIVE BILL 70 By Cullan

Jan. 9	Read first time	101
Jan. 13	Referred to Committee on Government, Military and Veterans Affairs	126
Feb. 5	Notice of hearing	448
Mar. 17	Placed on General File	985
May 1	Committee amendments adopted. Advanced for Review	1689
May 5	Placed on Select File	1772
May 8	E and R amendments adopted. Advanced for Engrossment	1864
May 11	Correctly Engrossed	1900
May 11	E and R changes	1902
May 14	Final Reading	2025
May 14	Speaker signed	2051
May 18	Approved by Governor	2072
May 19	Presented to Governor	2094

LEGISLATIVE BILL 71 By H. Peterson, L. Johnson

Jan. 9	Read first time	101
Jan. 13	Referred to Committee on Banking, Commerce and Insurance	126
Jan. 14	Notice of hearing	162
Jan. 19	Placed on General File	260
Jan. 26	Advanced for Review	327
Jan. 27	Placed on Select File	337
Jan. 28	Advanced for Engrossment	341
Jan. 29	Correctly Engrossed	356
Feb. 4	Final Reading	420
Feb. 5	Speaker signed	441
Feb. 6	Presented to Governor	451
Feb. 6	Hoagland explanation of vote	456
Feb. 11	Approved by Governor	491

LEGISLATIVE BILL 72 By Constitutional Revision and Recreation Committee

Jan. 9	Read first time	102
Jan. 13	Referred to Committee on Constitutional Revision and Recreation	126
Jan. 19	Notice of hearing	222
Feb. 18	Placed on General File	559
Mar. 5	Committee amendments adopted. Advanced for Review	760
Mar. 9	Placed on Select File	789
Mar. 10	E and R amendment adopted. Advanced for Engrossment	828
Mar. 10	Vickers amendment printed	833
Mar. 11	Correctly Engrossed	856
Mar. 24	Returned to Select File for Vickers amendment	1095
Mar. 24	Vickers pending amendment p. 833 adopted. Advanced for Re-Engrossment	1096
Mar. 25	Correctly Re-Engrossed. E and R changes	1122
Mar. 30	Labedz amendment printed	1186
Apr. 1	Returned to Select File for Labedz amendment. Labedz pending amendment adopted. Advanced for Re-Engrossment	1238
Apr. 2	Correctly Re-Engrossed	1269
Apr. 8	Final Reading	1347
Apr. 8	Higgins explanation of vote	1350
Apr. 9	Speaker signed	1366
Apr. 9	Presented to Governor	1375
Apr. 13	Approved by Governor	1423

LEGISLATIVE BILL 73 By Constitutional Revision and Recreation Committee

Jan. 9	Read first time	102
Jan. 13	Referred to Committee on Constitutional Revision and Recreation	126
Jan. 19	Notice of hearing	222
Feb. 18	Placed on General File	560
Mar. 5	Committee amendments adopted. Advanced for Review	761
Mar. 9	Placed on Select File	789
Mar. 10	E and R amendment adopted. Advanced for Engrossment	829
Mar. 11	Correctly Engrossed	856
Mar. 24	Final Reading	1096
Mar. 25	Speaker signed	1122

Mar. 25	Presented to Governor	1127
Mar. 26	Approved by Governor	1155

LEGISLATIVE BILL 74 By Constitutional Revision and Recreation Committee

Jan. 9	Read first time	102
Jan. 13	Referred to Committee on Constitutional Revision and Recreation	126
Jan. 19	Notice of hearing	222
Feb. 18	Placed on General File	560
Mar. 5	Committee amendments adopted as amended by Nichol. Chambers amendment pending	761
Mar. 6	Chambers pending amendment p. 761 adopted as amended by the Labedz amendment. Chambers amendment to Chambers amendment lost. Advanced for Review	772
Mar. 10	Placed on Select File	816
Mar. 12	Nichol amendment printed	893
Mar. 13	E and R amendments adopted. Nichol pending amendment p. 893 adopted. Lamb amendment to Nichol amendment lost. Chambers amendment to Labedz amendment p. 772 lost. Advanced for Engrossment	907
Mar. 16	Correctly Engrossed. E and R changes	943
Apr. 15	Final Reading	1477
Apr. 15	Haberman explanation of vote	1481
Apr. 16	President signed	1503
Apr. 16	Presented to Governor	1513
Apr. 16	Approved by Governor	1520

LEGISLATIVE BILL 75 By Constitutional Revision and Recreation Committee

Jan. 9	Read first time	103
Jan. 13	Referred to Committee on Constitutional Revision and Recreation	126
Jan. 19	Notice of hearing	222
Feb. 23	Placed on General File	637

LEGISLATIVE BILL 75A By Labedz

Mar. 6	Read first time. Placed on General File	788

LEGISLATIVE BILL 76 By DeCamp

Jan. 9	Read first time	103
Jan. 13	Referred to Committee on Judiciary	126
Jan. 20	Notice of hearing	270
Feb. 17	Placed on General File	548
Feb. 27	Committee amendments adopted as amended by DeCamp. Advanced for Review	690
Mar. 3	Placed on Select File	730
Mar. 4	E and R amendments adopted. Advanced for Engrossment	743
Mar. 10	Correctly Engrossed	818
Mar. 13	Passed over	900
Mar. 19	Attorney General's Opinion	1026
Mar. 19	Chambers amendment printed	1032
Apr. 30	Chambers motion to return to Select File lost. Returned to Select File for Beutler-Wesely amendment. Beutler-Wesely amendment adopted. Advanced for Re-Engrossment. Chambers motion to return to Select File lost	1650
May 1	Correctly Re-Engrossed. E & R changes	1675
May 5	Marvel motion to suspend rules prevailed	1742
May 5	Chambers motion to return to Select File withdrawn	1751
May 5	Final Reading	1752
May 6	President signed	1777
May 6	Presented to Governor	1786
May 7	Dworak explanation of vote	1824
May 8	Approved by Governor	1883

LEGISLATIVE BILL 77 By Goodrich

Jan. 9	Read first time	103
Jan. 13	Referred to Committee on Miscellaneous Subjects	126
Jan. 20	Notice of hearing	302
Feb. 9	Placed on General File	482
Feb. 18	Committee amendment adopted. Advanced for Review	562
Feb. 20	Placed on Select File	590
Feb. 23	E and R amendment adopted. Advanced for Engrossment	633
Feb. 25	Correctly Engrossed	661
Mar. 2	Final Reading	709

Mar. 3	President signed	723
Mar. 3	Presented to Governor	732
Mar. 9	Approved by Governor	791

LEGISLATIVE BILL 78 By Dworak

Jan. 9	Read first time	103
Jan. 13	Referred to Committee on Education	126
Jan. 29	Notice of hearing	356
Mar. 6	Placed on General File	768
Mar. 16	Dworak priority bill	949
Mar. 26	Committee amendments lost. Haberman-Hefner motion to indefinitely postpone laid over	1155
Mar. 30	Haberman-Hefner pending motion prevailed. Indefinitely postponed	1187

LEGISLATIVE BILL 79 By Fowler

Jan. 9	Read first time	103
Jan. 13	Referred to Committee on Public Works	126
Jan. 14	Notice of hearing	167
Mar. 23	Indefinitely postponed	1052

LEGISLATIVE BILL 80 By Agriculture and Environment Committee

Jan. 9	Read first time	104
Jan. 13	Referred to Committee on Agriculture and Environment	126
Jan. 19	Notice of hearing	259
Feb. 9	Placed on General File	480
Feb. 17	Advanced for Review	552
Feb. 19	Placed on Select File	566
Feb. 23	Advanced for Engrossment	631
Feb. 25	Correctly Engrossed	661
Mar. 2	Final Reading	710
Mar. 3	President signed	723
Mar. 3	Presented to Governor	732
Mar. 5	Approved by Governor	747

LEGISLATIVE BILL 81 By Sieck

Jan. 12	Read first time	113
Jan. 13	Referred to Committee on Public Works	133
Jan. 20	Notice of hearing	270

Jan. 30	Placed on General File	374
Feb. 3	Committee amendments adopted. Advanced for Review	408
Feb. 6	Placed on Select File	454
Feb. 9	E and R amendment adopted. Advanced for Engrossment	470
Feb. 11	Correctly Engrossed	494
Feb. 20	Final Reading	595
Feb. 20	Sieck explanation of vote	611
Feb. 20	Speaker signed	612
Feb. 23	Presented to Governor	620
Feb. 24	Approved by Governor	639

LEGISLATIVE BILL 82 By Sieck

Jan. 12	Read first time	113
Jan. 13	Referred to Committee on Miscellaneous Subjects	133
Jan. 20	Notice of hearing	302
Feb. 2	Placed on General File	389
Feb. 5	Advanced for Review	444
Feb. 9	Placed on Select File	467
Feb. 10	Advanced for Engrossment	484
Feb. 11	Correctly Engrossed	498
Feb. 20	Final Reading	596
Feb. 20	R. Peterson explanation of vote	603
Feb. 20	Speaker signed	612
Feb. 23	Presented to Governor	620
Feb. 24	Approved by Governor	639

LEGISLATIVE BILL 83 By Stoney

Jan. 12	Read first time	113
Jan. 13	Referred to Committee on Judiciary	133
Jan. 20	Notice of hearing	270
Feb. 17	Placed on General File	549
Feb. 27	Committee amendments adopted. Advanced for Review	691
Mar. 3	Placed on Select File	730
Mar. 4	E and R amendments adopted. Stoney amendment adopted. Advanced for Engrossment	743
Mar. 10	Correctly Engrossed	818
Mar. 13	Final Reading	900
Mar. 16	Speaker signed	929
Mar. 16	Presented to Governor	943
Mar. 17	Approved by Governor	951

LEGISLATIVE BILL 84 By Stoney

Jan. 12	Read first time	114
Jan. 13	Referred to Committee on Judiciary	133
Jan. 26	Notice of hearing	329
Feb. 20	Placed on General File	603
Mar. 5	Committee amendment (Correction)	746
Mar. 11	Advanced for Review	867
Mar. 13	Placed on Select File	898
Mar. 19	Advanced for Engrossment	1024
Mar. 23	Correctly Engrossed	1051
Mar. 31	Final Reading	1206
Apr. 1	Speaker signed	1235
Apr. 1	Presented to Governor	1257
Apr. 6	Approved by Governor	1290

LEGISLATIVE BILL 85 By Fowler

Jan. 12	Read first time	114
Jan. 13	Beyer name added	126
Jan. 13	Referred to Committee on Urban Affairs	133
Jan. 14	Notice of hearing	170
Feb. 6	Placed on General File	456
Feb. 10	Marsh amendment to Committee amendment lost. Committee amendment adopted. Lamb motion to indefinitely postpone lost. Advanced for Review	487
Feb. 12	Placed on Select File	512
Feb. 17	Advanced for Engrossment	536
Feb. 18	Correctly Engrossed	555
Feb. 23	Final Reading	623
Feb. 23	Speaker signed	627
Feb. 24	Presented to Governor	640
Mar. 2	Approved by Governor	701

LEGISLATIVE BILL 86 By Marsh

Jan. 12	Read first time	114
Jan. 13	Referred to Committee on Revenue	133
Jan. 28	Notice of hearing	344
Feb. 20	Indefinitely postponed	616

LEGISLATIVE BILL 87 By Higgins

Jan. 12	Read first time	115
Jan. 13	Referred to Committee on Judiciary	133
Feb. 2	Notice of hearing	390
Feb. 27	Placed on General File	697
Mar. 27	Committee amendments adopted. Advanced for Review	1168
Mar. 31	Placed on Select File	1203
Apr. 6	Higgins amendment laid over	1301
Apr. 7	Nichol-Higgins amendment printed	1343
Apr. 8	Higgins pending amendment p. 1301 withdrawn. Nichol-Higgins pending amendment p. 1343 adopted. Advanced for Engrossment	1354
Apr. 9	Correctly Engrossed	1376
Apr. 15	Final Reading	1479
Apr. 15	Haberman explanation of vote	1481
Apr. 16	President signed	1503
Apr. 16	Presented to Governor	1513
Apr. 16	Approved by Governor	1520

LEGISLATIVE BILL 88 By Koch

Jan. 12	Read first time	115
Jan. 13	Referred to Committee on Revenue	133
Feb. 5	Notice of hearing	447
Mar. 26	Indefinitely postponed	1151

LEGISLATIVE BILL 89 By Marsh

Jan. 12	Read first time	115
Jan. 13	Referred to Committee on Judiciary	133
Feb. 2	Notice of hearing	390
Feb. 20	Placed on General File	603
Mar. 6	Advanced for Review	785
Mar. 10	Placed on Select File	817
Mar. 13	Advanced for Engrossment	919
Mar. 16	Correctly Engrossed	943
May 11	Lamb motion to bracket prevailed	1926

LEGISLATIVE BILL 89A By Marsh

Feb. 26	Read first time. Placed on General File	675
Mar. 6	Advanced for Review	785
Mar. 10	Placed on Select File	817
Mar. 13	Advanced for Engrossment	919
Mar. 16	Correctly Engrossed	943

LEGISLATIVE BILL 90 By Goodrich

Jan. 12	Read first time	116
Jan. 13	Referred to Committee on Judiciary	133
Jan. 26	Notice of hearing	330
Feb. 27	Indefinitely postponed	697

LEGISLATIVE BILL 91 By Goodrich

Jan. 12	Read first time	116
Jan. 13	Referred to Committee on Education	133
Jan. 29	Notice of hearing	356
Mar. 6	Indefinitely postponed	770

LEGISLATIVE BILL 92 By Fenger

Jan. 12	Read first time	116
Jan. 13	Referred to Committee on Banking, Commerce and Insurance	133
Jan. 14	Notice of hearing	162
Jan. 28	Placed on General File	348
Feb. 2	Committee amendments adopted. Advanced for Review	397
Feb. 4	Placed on Select File	414
Feb. 6	E and R amendment adopted. Fenger amendment adopted. Advanced for Engrossment	455
Feb. 9	Correctly Engrossed	467
Feb. 17	Final Reading	538
Feb. 17	President signed	552
Feb. 18	Presented to Governor	557
Feb. 19	Approved by Governor	580

LEGISLATIVE BILL 93 By Marsh

Jan. 12	Read first time	116
Jan. 13	Referred to Committee on Public Health and Welfare	133
Jan. 19	Notice of hearing	260
Feb. 9	Indefinitely postponed	467

LEGISLATIVE BILL 94 By Beutler

Jan. 12	Read first time	116
Jan. 13	Referred to Committee on Public Works	133
Jan. 20	Notice of hearing	270
Mar. 12	Placed on General File	887

LEGISLATIVE BILL 95 By Cullan

Jan. 12	Read first time	117
Jan. 13	Referred to Committee on Public Health and Welfare	133
Jan. 15	Re-referred to Committee on Judiciary	194
Jan. 16	Re-referred to Committee on Public Health and Welfare	213
Feb. 4	Notice of hearing	432
Mar. 13	Public Health and Welfare Committee priority bill	925
Mar. 23	Placed on General File	1062
Apr. 16	Committee amendments adopted. Cullan amendment adopted. Advanced for Review	1508
Apr. 23	Placed on Select File	1528
May 4	Fowler amendment printed	1706
May 6	Cullan amendment printed	1803
May 7	E and R amendments adopted. Fowler pending amendment p. 1706 withdrawn. Fowler amendment adopted. Cullan pending amendment p. 1803 adopted. DeCamp amendment withdrawn. Advanced for Engrossment	1828
May 11	Correctly Engrossed	1900
May 11	E and R changes	1902
May 14	Attorney General's Opinion	2058
May 26	Cullan amendment printed	2269
May 27	Returned to Select File for Cullan amendment. Cullan pending amendment p. 2269 adopted. Advanced for Re-Engrossment	2326
May 27	Correctly Re-Engrossed. E and R changes	2352
May 29	Final Reading	2390
May 29	President signed	2409
May 29	Presented to Governor	2421
June 4	Approved by Governor	2434

LEGISLATIVE BILL 95A By Cullan

May 5	Read first time. Placed on General File	1760
May 11	Advanced for Review	1907
May 11	Placed on Select File	1927
May 14	Advanced for Engrossment	2053
May 18	Correctly Engrossed	2060
May 29	Final Reading	2391
May 29	President signed	2409
May 29	Presented to Governor	2421

June 4	Approved by Governor	2434

LEGISLATIVE BILL 96 By Barrett

Jan. 12	Read first time	117
Jan. 13	Referred to Committee on Judiciary	133
Jan. 26	Notice of hearing	330
Feb. 5	Placed on General File	449
Feb. 10	Advanced for Review	485
Feb. 12	Placed on Select File	511
Feb. 17	Advanced for Engrossment	536
Feb. 18	Correctly Engrossed	555
Feb. 23	Final Reading	623
Feb. 23	Speaker signed	627
Feb. 24	Presented to Governor	640
Mar. 2	Approved by Governor	701

LEGISLATIVE BILL 97 By Administrative Rules and Regulations Review Committee

Jan. 12	Read first time	117
Jan. 13	Referred to Committee on Administrative Rules and Regulations Review	133
Feb. 12	Notice of hearing	521
Mar. 13	Administrative Rules and Regulations Review Committee priority bill	924

LEGISLATIVE BILL 98 By Vickers

Jan. 12	Read first time	118
Jan. 13	Referred to Committee on Public Works	133
Jan. 14	Notice of hearing	167
Mar. 24	Placed on General File	1082
May 20	Wesely name added	2128

LEGISLATIVE BILL 99 By Beutler

Jan. 12	Read first time	118
Jan. 13	Referred to Committee on Judiciary	133
Jan. 26	Notice of hearing	329
Feb. 27	Placed on General File	696
Feb. 27	Hoagland name added	698
May 1	Committee amendments adopted. Advanced for Review	1683
May 4	Placed on Select File	1725
May 8	E and R amendment adopted.	

	Advanced for Engrossment	1863
May 11	Correctly Engrossed	1900
May 14	Final Reading	2026
May 14	Speaker signed	2051
May 18	Approved by Governor	2072
May 19	Presented to Governor	2094

LEGISLATIVE BILL 100 By Rumery

Jan. 12	Read first time	118
Jan. 13	Referred to Committee on Constitutional Revision and Recreation	133
Jan. 19	Notice of hearing	222
Feb. 23	Indefinitely postponed	637

LEGISLATIVE BILL 101 By Hoagland

Jan. 12	Read first time	118
Jan. 13	Referred to Committee on Miscellaneous Subjects	133
Jan. 20	Notice of hearing	302
Mar. 16	Indefinitely postponed	937

LEGISLATIVE BILL 102 By Government, Military and Veterans Affairs Committee

Jan. 12	Read first time	118
Jan. 13	Referred to Committee on Revenue	133
Feb. 5	Notice of hearing	447
Mar. 19	Indefinitely postponed	1042

LEGISLATIVE BILL 103 By Government, Military and Veterans Affairs Committee

Jan. 12	Read first time	119
Jan. 13	Referred to Committee on Revenue	133
Feb. 5	Notice of hearing	447
Mar. 19	Indefinitely postponed	1042

LEGISLATIVE BILL 104 By Agriculture and Environment Committee

Jan. 12	Read first time	120
Jan. 13	Referred to Committee on Agriculture and Environment	133
Jan. 16	Notice of hearing	199
Jan. 19	Notice of hearing (reset)	259

Feb. 9 Placed on General File..........................480
Feb. 17 Committee amendments adopted. Advanced for Review........................552
Feb. 19 Placed on Select File 566
Feb. 23 E and R amendment adopted. Advanced for Engrossment..................631
Feb. 25 Correctly Engrossed............................661
Mar. 2 Returned to Select File for Beutler amendment. Beutler amendment adopted. Advanced for Re-Engrossment...............715
Mar. 3 Correctly Re-Engrossed. E and R change........732
Mar. 11 Returned to Select File for Beutler amendment. Beutler amendment adopted. Advanced for Re-Engrossment...............855
Mar. 12 Correctly Re-Engrossed. E & R changes.........874
Mar. 24 Final Reading..................................1097
Mar. 25 Speaker signed 1122
Mar. 25 Presented to Governor.........................1127
Mar. 26 Approved by Governor 1155

LEGISLATIVE BILL 105 By Sieck

Jan. 12 Read first time...............................120
Jan. 13 Referred to Committee on Agriculture and Environment..........................133
Jan. 19 Notice of hearing..............................259
Apr. 8 Indefinitely postponed.........................1355

LEGISLATIVE BILL 106 By Remmers

Jan. 12 Read first time...............................120
Jan. 13 Referred to Committee on Government, Military and Veterans Affairs................133
Jan. 15 Notice of hearing..............................194
Mar. 12 Indefinitely postponed.........................896

LEGISLATIVE BILL 107 By Kahle

Jan. 12 Read first time...............................121
Jan. 13 Referred to Committee on Public Health and Welfare.........................133
Jan. 19 Notice of hearing..............................260
Mar. 19 Indefinitely postponed.........................1032

LEGISLATIVE BILL 108 By Kahle

Jan. 12	Read first time	121
Jan. 13	Referred to Committee on Public Health and Welfare	133
Jan. 19	Notice of hearing	260
Feb. 9	Indefinitely postponed	467

LEGISLATIVE BILL 109 By Wagner

Jan. 12	Read first time	121
Jan. 13	Referred to Committee on Public Works	133
Jan. 14	Notice of hearing	167
Feb. 6	Placed on General File	462
Feb. 12	Committee amendment (1) and (2) lost	520
Feb. 12	Committee amendment (3) rejected. Advanced for Review	522
Feb. 17	Placed on Select File	526
Feb. 23	Advanced for Engrossment	630
Feb. 25	Correctly Engrossed	661
Mar. 2	Final Reading	711
Mar. 3	President signed	723
Mar. 3	Presented to Governor	732
Mar. 5	Approved by Governor	747

LEGISLATIVE BILL 110 By Wagner

Jan. 12	Read first time	121
Jan. 13	Referred to Committee on Public Works	133
Jan. 14	Notice of hearing	167
Feb. 6	Placed on General File	461
Feb. 11	Beutler amendment lost. Maresh amendment to Beutler amendment lost. Advanced for Review	501
Feb. 17	Placed on Select File	526
Feb. 19	Advanced for Engrossment	576
Feb. 20	Correctly Engrossed	610
Mar. 2	Final Reading	703
Mar. 3	President signed	723
Mar. 3	Presented to Governor	732
Mar. 5	Approved by Governor	747

LEGISLATIVE BILL 111 By Chronister

Jan. 12	Read first time	121
Jan. 13	Referred to Committee on Judiciary	133
Feb. 2	Notice of hearing	390
Feb. 27	Placed on General File	695
Mar. 16	Marvel priority bill	949
Mar. 25	Committee amendments adopted. Lamb amendment lost. Advanced for Review	1131
Mar. 27	Placed on Select File	1158
Mar. 27	Chambers amendments printed	1169
Mar. 30	E and R amendment adopted. Chambers pending amendments p. 1169 withdrawn	1184
Mar. 30	Chambers motion prevailed. Indefinitely postponed	1184
Mar. 30	Hoagland motion to reconsider laid over	1201
Apr. 7	Hoagland pending motion to reconsider prevailed	1324
Apr. 15	Passed over	1484
May 20	Advanced for Engrossment	2150
May 21	Correctly Engrossed	2206
May 27	Final Reading	2337
May 27	Speaker signed	2354
May 28	Presented to Governor	2356
May 28	Koch explanation of vote	2366
May 29	Approved by Governor	2383

LEGISLATIVE BILL 112 By Fenger

Jan. 12	Read first time	122
Jan. 13	Referred to Committee on Public Works	133
Jan. 16	Notice of hearing	203
Mar. 16	Indefinitely postponed	945

LEGISLATIVE BILL 113 By DeCamp

Jan. 12	Read first time	122
Jan. 13	Referred to Committee on Banking, Commerce and Insurance	133
Jan. 14	Notice of hearing	162
Mar. 9	Placed on General File	790
Mar. 27	Committee amendments adopted. Advanced for Review	1173
Apr. 1	Placed on Select File	1237
Apr. 7	E and R amendments adopted. Advanced for Engrossment	1327
Apr. 8	Correctly Engrossed	1359
Apr. 9	Attorney General's Opinion	1385

Apr. 9	DeCamp amendment printed	1388
Apr. 14	Returned to Select File for DeCamp amendment. DeCamp pending amendment p. 1388 adopted. Advanced for Re-Engrossment	1452
Apr. 16	Correctly Re-Engrossed. E and R changes	1524
May 12	Final Reading	1963
May 12	Warner explanation of vote	1964
May 13	President signed	1985
May 13	Presented to Governor	2009
May 18	Approved by Governor	2075

LEGISLATIVE BILL 113A By DeCamp

Mar. 12	Read first time. Placed on General File	887
Mar. 27	Advanced for Review	1173
Apr. 1	Placed on Select File	1237
Apr. 7	Advanced for Engrossment	1327
Apr. 8	Correctly Engrossed	1359
May 12	Final Reading	1964
May 12	Warner explanation of vote	1965
May 13	President signed	1985
May 13	Presented to Governor	2009
May 18	Approved by Governor	2075

LEGISLATIVE BILL 114 By Wagner

Jan. 13	Read first time	128
Jan. 14	Referred to Committee on Public Works	176
Jan. 20	Notice of hearing	270
Feb. 17	Placed on General File	526
Feb. 25	Committee amendment adopted. Advanced for Review	669
Feb. 27	Placed on Select File	689
Mar. 4	Advanced for Engrossment	742
Mar. 9	Correctly Engrossed	809
Mar. 12	Final Reading	877
Mar. 13	President signed	899
Mar. 13	Presented to Governor	917
Mar. 17	Approved by Governor	951

LEGISLATIVE BILL 115 By Fowler

Jan. 13	Read first time	128
Jan. 14	Referred to Committee on Business and Labor	176
Jan. 15	Notice of hearing	189
Mar. 13	Placed on General File	920

LEGISLATIVE BILL 115A By Fowler

Mar. 17 Read first time. Placed on General File.........966

LEGISLATIVE BILL 116 By Newell

Jan. 13 Read first time...............................128
Jan. 14 Referred to Committee on Appropriations.......176
Jan. 16 Notice of hearing.............................211
Mar. 19 Indefinitely postponed.........................1013

LEGISLATIVE BILL 117 By Newell

Jan. 13 Read first time...............................128
Jan. 14 Referred to Committee on Revenue.............176
Feb. 5 Notice of hearing.............................447

LEGISLATIVE BILL 118 By Hefner

Jan. 13 Read first time...............................129
Jan. 14 Referred to Committee on Business and Labor...176
Jan. 30 Notice of hearing.............................382
Mar. 13 Hefner priority bill.............................925
Apr. 16 Maresh name added...........................1526
Apr. 23 Placed on General File.........................1535
May 12 Landis motion withdrawn. Committee amendments adopted. Advanced for Review.............1966
May 12 Notice of hearing.............................1984
May 13 Placed on Select File.........................1997
May 20 Advanced for Engrossment....................2152
May 21 Correctly Engrossed..........................2206
May 27 Final Reading..................................2338
May 27 Speaker signed.................................2354
May 28 Presented to Governor.........................2356
May 28 Koch explanation of vote......................2366
May 29 Approved by Governor.........................2383

LEGISLATIVE BILL 119 By Hefner

Jan. 13 Read first time...............................129
Jan. 14 Referred to Committee on Business and Labor...176
Jan. 30 Notice of hearing.............................382
Mar. 27 Indefinitely postponed.........................1170
June 4 (Correction)...................................2434

LEGISLATIVE BILL 120 By Burrows

Jan. 13	Read first time	129
Jan. 14	Referred to Committee on Judiciary	176
Jan. 26	Notice of hearing	329
Feb. 5	Placed on General File	449
Feb. 10	Advanced for Review	487
Feb. 12	Placed on Select File	512
Feb. 17	Advanced for Engrossment	536
Feb. 18	Correctly Engrossed	555
Feb. 23	Final Reading	624
Feb. 23	Speaker signed	627
Feb. 24	Presented to Governor	640
Mar. 2	Approved by Governor. Attorney General's Opinion	701
Apr. 2	Attorney General's Opinion	1285

LEGISLATIVE BILL 121 By Vickers

Jan. 13	Read first time	129
Jan. 14	Referred to Committee on Government, Military and Veterans Affairs	176
Jan. 15	Notice of hearing	193
Feb. 3	Placed on General File	400
Feb. 6	Committee amendment adopted. Advanced for Review	457
Feb. 10	Placed on Select File	483
Feb. 11	Advanced for Engrossment	494
Feb. 12	Correctly Engrossed	514
Feb. 20	Final Reading	602
Feb. 20	Haberman explanation of vote	611
Feb. 20	Speaker signed	612
Feb. 23	Presented to Governor	620
Feb. 24	Approved by Governor	639

LEGISLATIVE BILL 122 By Sieck

Jan. 13	Read first time	134
Jan. 14	Referred to Committee on Urban Affairs	176
Jan. 20	Notice of hearing	297
Feb. 5	Indefinitely postponed	449

LEGISLATIVE BILL 123 By Miscellaneous Subjects Committee

Jan. 13	Read first time	134
Jan. 14	Referred to Committee on Public Works	176
Jan. 20	Notice of hearing	270
Feb. 20	Indefinitely postponed	617

LEGISLATIVE BILL 124 By Miscellaneous Subjects Committee

Jan. 13	Read first time	134
Jan. 14	Referred to Committee on Miscellaneous Subjects	176
Jan. 20	Notice of hearing	303
Feb. 9	Placed on General File	481
Feb. 18	Advanced for Review	561
Feb. 19	Fowler amendment printed	578
Feb. 20	Placed on Select File	589
Feb. 23	Fowler pending amendment p. 578 lost. Laid over	632
Feb. 24	Hefner amendment printed	649
Feb. 25	Hefner amendment adopted. Hefner pending amendment p. 649 adopted. Advanced for Engrossment	658
Mar. 3	Correctly Engrossed	703
Mar. 5	Final Reading	755
Mar. 6	President signed	772
Mar. 10	Presented to Governor	817
Mar. 11	Approved by Governor	844

LEGISLATIVE BILL 125 By Dworak, Labedz, Higgins

Jan. 13	Read first time	134
Jan. 14	Referred to Committee on Banking, Commerce and Insurance	176
Jan. 30	Notice of hearing	375
Feb. 2	Notice of hearing (reset)	389
Feb. 11	Placed on General File	499
Feb. 20	Committee amendment adopted. Wesely, Chambers, Beutler amendments lost. Labedz motion lost. Marsh motion to indefinitely postpone withdrawn. Advanced for Review	604
Feb. 24	Placed on Select File	645
Feb. 26	E and R amendment adopted. Haberman amendment lost	677
Feb. 26	Haberman amendment pending	678
Mar. 2	Haberman pending amendment p. 678 lost. Laid over	716
Mar. 3	Fowler-Wesely-Landis-Marsh amendment lost.	

Advanced for Engrossment 726
Mar. 6 Correctly Engrossed 771
Apr. 2 V. Johnson motion to return
to Select File lost 1275
Apr. 2 Final Reading 1276
Apr. 6 Speaker signed 1290
Apr. 6 Presented to Governor 1299
Apr. 8 Approved by Governor 1358

LEGISLATIVE BILL 126 By DeCamp

Jan. 13 Read first time 134
Jan. 14 Referred to Committee on Judiciary 176
Jan. 26 Notice of hearing 330
Mar. 13 Placed on General File 909

LEGISLATIVE BILL 127 By Sieck

Jan. 13 Read first time 135
Jan. 14 Referred to Committee on Government,
Military and Veterans Affairs 177
Feb. 5 Notice of hearing 448

LEGISLATIVE BILL 128 By Rumery

Jan. 13 Read first time 135
Jan. 14 Referred to Committee on Nebraska
Retirement Systems 177
Jan. 30 Notice of hearing 381
Feb. 18 Placed on General File 559
Feb. 27 Advanced for Review 698
Mar. 3 Placed on Select File 730
Mar. 5 Advanced for Engrossment 759
Mar. 9 Correctly Engrossed 809
Mar. 12 Final Reading 877
Mar. 13 President signed 899
Mar. 13 Presented to Governor 917
Mar. 17 Approved by Governor 951
Mar. 17 Higgins explanation of vote 966

LEGISLATIVE BILL 129 By Cullan

Jan. 13 Read first time 135
Jan. 14 Referred to Committee on Judiciary 177
Feb. 2 Notice of hearing 390
Mar. 11 Nichol name added 868

Mar. 13	Placed on General File	911
Mar. 16	Nichol priority bill	949
Apr. 1	Committee amendments adopted. Higgins motion lost	1266
Apr. 6	Nichol motion prevailed	1306
Apr. 6	Re-referred to Committee on Judiciary. Notice of hearing	1319
Apr. 14	Placed on General File	1463
May 12	Nichol amendment adopted. Advanced for Review	1965
May 13	Placed on Select File	1997
May 18	Wesely amendment to Committee amendment printed	2063
May 20	E and R amendment adopted. Wesely pending amendment p. 2063 withdrawn. Advanced for Engrossment	2151
May 21	Correctly Engrossed	2206
May 27	Final Reading	2339
May 27	Speaker signed	2354
May 28	Presented to Governor	2356
May 28	Koch explanation of vote	2366
May 29	Approved by Governor	2421

LEGISLATIVE BILL 129A By Nichol

May 12	Read first time. Placed on General File	1974
May 13	Advanced for Review	1996
May 13	Placed on Select File	2000
May 20	Warner amendment adopted. Advanced for Engrossment	2152
May 21	Correctly Engrossed	2206
May 21	E and R changes	2207
May 27	Final Reading	2339
May 27	Speaker signed	2354
May 28	Presented to Governor	2356
May 28	Koch explanation of vote	2366
May 29	Approved by Governor. Line item veto	2408
May 29	Motion to override line item veto prevailed	2420
May 29	Letter. Certificate	2426
June 4	Letter	2436
June 4	Certificate	2437

LEGISLATIVE BILL 130 By Administrative Rules and Regulations Review Committee

Jan. 13	Read first time	135
Jan. 14	Referred to Committee on Administrative Rules and Regulations Review	177
Jan. 20	Notice of hearing	302
Feb. 2	Placed on General File	385
Feb. 5	Committee amendment adopted. Advanced for Review	443
Feb. 9	Placed on Select File	467
Feb. 10	Advanced for Engrossment	484
Feb. 11	Correctly Engrossed	498
Feb. 20	Final Reading	597
Feb. 20	Speaker signed	612
Feb. 23	Presented to Governor	620
Feb. 24	Approved by Governor	639

LEGISLATIVE BILL 131 By Newell

Jan. 13	Read first time	136
Jan. 14	Notice of hearing	176
Jan. 14	Referred to Committee on Nebraska Retirement Systems	177

LEGISLATIVE BILL 132 By DeCamp

Jan. 13	Read first time	136
Jan. 14	Referred to Committee on Urban Affairs	177
Jan. 15	Re-referred to Committee on Public Works	194
Jan. 20	Notice of hearing	270
Mar. 10	Placed on General File	829
Mar. 11	Remmers name added	868
Mar. 12	Remmers priority bill	875
Mar. 23	Attorney General's Opinion	1058
Mar. 30	Kremer amendment to Committee amendment printed	1187
Apr. 1	Committee amendment adopted as amended by Kremer pending amendment p. 1187. Advanced for Review	1265
Apr. 6	Placed on Select File	1289
Apr. 9	E and R amendments adopted. Advanced for Engrossment	1389
Apr. 13	Correctly Engrossed. E and R changes	1445
Apr. 15	Beutler amendment printed	1494
Apr. 16	Returned to Select File for Kremer amendment. Kremer amendment adopted. Advanced for Re-Engrossment. Beutler pending amendment p. 1494 withdrawn	1505

Apr. 23	Correctly Re-Engrossed	1529
Apr. 28	Beutler motion to return to Select File lost	1605
Apr. 28	Beutler motion to return to Select File lost	1606
Apr. 28	Final Reading	1607
Apr. 29	Speaker signed	1622
Apr. 29	Presented to Governor	1629
Apr. 30	Koch explanation of vote	1663
Apr. 30	Approved by Governor	1669

LEGISLATIVE BILL 133 By Warner, Clark

Jan. 13	Read first time	136
Jan. 14	Referred to Committee on Banking, Commerce and Insurance	177
Feb. 3	Notice of hearing	411
Mar. 6	Indefinitely postponed	771
Mar. 11	Clark-Warner amendment printed	868
Mar. 11	Clark-Warner motion laid over	870
Mar. 13	Clark-Warner pending motion lost	904

LEGISLATIVE BILL 134 By Landis, Beutler, Wesely

Jan. 13	Read first time	140
Jan. 14	Referred to Committee on Miscellaneous Subjects	177
Jan. 20	Notice of hearing	302
Feb. 17	Attorney General's Opinion	527
Mar. 13	Hoagland name added	924
Mar. 13	Hoagland priority bill	926
Mar. 16	Placed on General File	937
Apr. 10	Advanced for Review	1419
Apr. 14	Placed on Select File	1448
Apr. 14	Wagner amendment printed	1467
Apr. 16	Beutler amendment adopted. Wagner pending amendment p. 1467 adopted. Fenger motion to indefinitely postpone laid over	1508
Apr. 23	Marsh amendment printed	1540
Apr. 24	Fenger pending motion p. 1508 renewed. L. Johnson amendment printed	1571
Apr. 24	Fenger amendment printed	1575
Apr. 28	Fenger pending motion p. 1508 renewed	1609
Apr. 29	Fenger pending motion p. 1508 lost. Marsh pending amendment p. 1540 lost. DeCamp, Chambers, Haberman	

	amendments lost. L. Johnson pending amendment p. 1571 adopted. Fenger pending amendment p. 1575 withdrawn	1623
Apr. 29	Schmit amendment adopted as amended by Beutler amendment	1631
Apr. 29	Schmit amendment adopted. Newell amendment to Schmit amendment lost. Schmit amendment adopted as amended by V. Johnson and Beutler amendments. Wiitala amendment to Schmit amendment lost	1633
Apr. 29	Nichol amendment adopted as amended by DeCamp amendment	1635
Apr. 29	Higgins amendment (1) lost. Higgins amendment (2) withdrawn	1637
Apr. 29	Koch amendment lost. Dworak and DeCamp amendments adopted. Advanced for Engrossment	1638
May 4	Correctly Engrossed. E and R changes	1718
May 8	Attorney General's Opinion	1871
May 14	V. Johnson amendments printed	2053
May 18	DeCamp amendment printed	2074
May 19	DeCamp pending amendment p. 2074 withdrawn. Returned to Select File for DeCamp amendment. DeCamp amendment adopted. Advanced for Re-Engrossment	2107
May 19	DeCamp motion to return to Select File ruled not germane	2108
May 19	DeCamp name added	2119
May 20	Correctly Re-Engrossed. E and R changes	2127
May 26	Schmit motion to return to Select File lost	2245
May 26	Final Reading	2247
May 26	Chronister explanation of vote	2258
May 26	President signed	2259
May 26	Presented to Governor	2264
May 27	Approved by Governor	2329

LEGISLATIVE BILL 135 By Burrows

Jan. 13	Read first time	140
Jan. 14	Referred to Committee on Revenue	177
Feb. 5	Notice of hearing	447

LEGISLATIVE BILL 136 By H. Peterson

Jan. 13	Read first time	140
Jan. 14	Referred to Committee on Miscellaneous Subjects	177
Jan. 20	Notice of hearing	302
Feb. 17	Placed on General File	549
Feb. 27	Committee amendments adopted. Advanced for Review	691
Mar. 3	Placed on Select File	730
Mar. 5	Advanced for Engrossment	759
Mar. 10	Correctly Engrossed. E and R changes	818
Mar. 13	Final Reading	901
Mar. 16	Speaker signed	929
Mar. 16	Presented to Governor	943
Mar. 17	Approved by Governor	951

LEGISLATIVE BILL 137 By Remmers

Jan. 13	Read first time	140
Jan. 14	Referred to Committee on Banking, Commerce and Insurance	177
Jan. 20	Notice of hearing	301
Jan. 26	Attorney General's Opinion	323

LEGISLATIVE BILL 138 By V. Johnson

Jan. 13	Read first time	141
Jan. 14	Referred to Committee on Constitutional Revision and Recreation	177
Feb. 2	Notice of hearing	390
Feb. 24	Placed on General File	645
Mar. 11	Constitutional Revision and Recreation Committee priority bill	871
Mar. 12	Wesely amendment adopted. Advanced for Review	886
Mar. 16	Placed on Select File	927
Mar. 19	DeCamp amendment printed	1044
Mar. 23	Attorney General's Opinion	1053
Mar. 26	Chambers amendment printed	1148
Mar. 26	Vickers amendment printed	1156
May 20	DeCamp pending amendment p. 1044 withdrawn. Vickers pending amendment p. 1156 withdrawn. Chambers pending amendment p. 1148 withdrawn.	

Advanced for Engrossment..................2151
May 21 Correctly Engrossed..........................2206
May 28 Final Reading................................2362
May 28 Kilgarin explanation of vote..................2366
May 28 President signed.............................2371
May 28 Presented to Governor.........................2375
May 29 Governor Letter..............................2384

LEGISLATIVE BILL 139 By Marsh

Jan. 13 Read first time...............................141
Jan. 14 Referred to Committee on Banking,
Commerce and Insurance....................177
Jan. 20 Notice of hearing.............................300
Mar. 12 Placed on General File........................884

LEGISLATIVE BILL 139A By Marsh

Mar. 16 Read first time. Placed on General File.........948

LEGISLATIVE BILL 140 By Fowler

Jan. 14 Read first time...............................144
Jan 15 Referred to Committee on Revenue.............194
Jan. 20 Notice of hearing.............................302
Jan. 30 Placed on General File........................379
Feb. 5 Advanced for Review..........................443
Feb. 9 Placed on Select File.........................467
Feb. 10 Advanced for Engrossment.....................484
Feb. 11 Correctly Engrossed..........................498
Feb. 20 Final Reading................................598
Feb. 20 Speaker signed...............................612
Feb. 23 Presented to Governor.........................620
Feb. 24 Approved by Governor.........................639

LEGISLATIVE BILL 141 By Fowler

Jan. 14 Read first time...............................145
Jan. 15 Notice of hearing.............................193
Jan. 15 Referred to Committee on Nebraska
Retirement Systems.........................194
Jan. 26 Placed on General File........................330
Jan. 27 Committee amendment adopted.
Advanced for Review........................334
Jan. 28 Placed on Select File.........................342
Jan. 29 Advanced for Engrossment.....................358

Jan. 30	Correctly Engrossed	368
Feb. 4	Final Reading	422
Feb. 5	Speaker signed	441
Feb. 6	Presented to Governor	451
Feb. 6	Hoagland explanation of vote	456
Feb. 11	Approved by Governor	491

LEGISLATIVE BILL 142 By V. Johnson

Jan. 14	Read first time	145
Jan. 15	Referred to Committee on Revenue	194
Feb. 3	Notice of hearing	404

LEGISLATIVE BILL 143 By Chambers

Jan. 14	Read first time	145
Jan. 15	Referred to Committee on Public Works	194
Jan. 20	Notice of hearing	270
Feb. 4	Placed on General File	423
Feb. 5	Koch-Hoagland amendment to Committee amendments printed	446
Feb. 6	Chambers amendment adopted. Committee amendments pending	462
Feb. 9	Labedz name added to Hoagland-Koch pending amendment p. 446. Hoagland-Koch-Labedz pending amendment p. 446 adopted. Committee amendments (1), (2), and (3) adopted as amended. Committee amendments (4) and (5) adopted. Maresh amendment withdrawn. Maresh amendment to Maresh amendment lost. DeCamp amendment lost. Beutler amendment pending	472
Feb. 12	Beutler pending amendment p. 475 withdrawn. Beutler amendment adopted. DeCamp and Newell motions lost. Beutler and Chambers amendments adopted. Advanced for Review	517
Feb. 17	Placed on Select File	526
Feb. 19	E and R amendment adopted. Hoagland amendment adopted. Fenger amendment lost as amended by Marsh amendment. DeCamp motion prevailed. Indefinitely postponed	576
Feb. 20	Chambers motion to reconsider laid over	611
Feb. 26	Chambers pending motion lost	678

LEGISLATIVE BILL 144 By Maresh, Clark

Jan. 14	Read first time	145
Jan. 15	Referred to Committee on Urban Affairs	194
Jan. 20	Notice of hearing	297
Jan. 20	Burrows name added	316
Feb. 17	Placed on General File	546
Feb. 25	Warner amendment printed	659
Feb. 26	Committee amendment adopted as amended by Maresh. Warner pending amendment p. 659 adopted	680
Feb. 27	Maresh-V. Johnson amendment adopted. Advanced for Review	689
Mar. 3	Placed on Select File	728
Mar. 4	E and R amendments adopted. Advanced for Engrossment	743
Mar. 10	Correctly Engrossed	818
May 11	Final Reading	1921
May 12	President signed	1936
May 12	Presented to Governor	1977
May 14	Approved by Governor	2049

LEGISLATIVE BILL 144A By Maresh

Mar. 4	Read first time. Placed on General File	741
Mar. 5	Advanced for Review	760
Mar. 9	Placed on Select File	789
Mar. 10	Advanced for Engrossment	828
Mar. 11	Correctly Engrossed	856
May 11	Final Reading	1922
May 12	President signed	1936
May 12	Presented to Governor	1977
May 14	Approved by Governor	2049

LEGISLATIVE BILL 145 By Nichol

Jan. 14	Read first time	146
Jan. 15	Referred to Committee on Nebraska Retirement Systems	194
Jan. 30	Notice of hearing	382
Mar. 10	Indefinitely postponed	821

LEGISLATIVE BILL 146 By Public Works Committee

Jan. 14	Read first time	146
Jan. 15	Referred to Committee on Public Works	194
Jan. 20	Notice of hearing	270
Mar. 12	Public Works Committee priority bill	894
Mar. 19	Placed on General File	1028
Apr. 10	Rumery amendment printed	1419
Apr. 14	Committee amendments adopted. Rumery pending amendment p. 1419 adopted. Vickers amendment lost. Advanced for Review	1466
Apr. 16	Placed on Select File	1507
Apr. 29	Kremer amendment printed	1630
May 4	Kremer amendment printed	1710
May 6	E and R amendments adopted. Kremer pending amendments pp. 1630 and 1710 adopted. Vickers amendments (1) and (2) lost. Beutler and Hoagland amendments lost. Advanced for Engrossment	1791
May 11	Correctly Engrossed. E and R changes	1931
May 14	Schmit motion to return to Select File withdrawn	2027
May 14	Final Reading	2029
May 14	Speaker signed	2051
May 18	Approved by Governor	2072
May 19	Presented to Governor	2094

LEGISLATIVE BILL 147 By Public Works Committee

Jan. 14	Read first time	146
Jan. 15	Referred to Committee on Public Works	194
Jan. 20	Notice of hearing	270
Mar. 19	Indefinitely postponed	1030

LEGISLATIVE BILL 148 By Public Works Committee

Jan. 14	Read first time	147
Jan. 15	Referred to Committee on Agriculture and Environment	194
Jan. 19	Notice of hearing	259

LEGISLATIVE BILL 149 By Kahle

Jan. 14	Read first time	147
Jan. 15	Referred to Committee on Agriculture and Environment	194
Jan. 28	Notice of hearing	345

LEGISLATIVE BILL 150 By Banking, Commerce and Insurance Committee

Jan. 14	Read first time	147
Jan. 15	Referred to Committee on Banking, Commerce and Insurance	194
Jan. 26	Notice of hearing	326
Feb. 11	Placed on General File	499
Feb. 24	Committee amendments adopted. Stoney amendment lost. Advanced for Review	643
Feb. 26	Placed on Select File	672
Feb. 27	DeCamp amendment printed	699
Mar. 3	E and R amendment adopted. DeCamp pending amendment p. 699 adopted as amended by DeCamp amendment	727
Mar. 3	Beutler amendment adopted as amended by DeCamp. Advanced for Engrossment	728
Mar. 6	Correctly Engrossed	771
Mar. 11	Final Reading	849
Mar. 12	Speaker signed	872
Mar. 12	Presented to Governor	887
Mar. 17	Approved by Governor	951
Mar. 17	Higgins explanation of vote	966

LEGISLATIVE BILL 151 By V. Johnson

Jan. 14	Read first time	147
Jan. 15	Referred to Committee on Revenue	194
Jan. 20	Notice of hearing	302
Feb. 20	Placed on General File	617
Mar. 10	Committee amendments adopted. Advanced for Review	832
Mar. 10	Vickers amendment printed	838
Mar. 12	Placed on Select File	873
Mar. 19	E and R amendments adopted. Vickers pending amendment p. 838 withdrawn. Advanced for Engrossment	1016
Mar. 23	Correctly Engrossed	1051
Mar. 31	Final Reading	1207
Apr. 1	Speaker signed	1235
Apr. 1	Presented to Governor	1257
Apr. 6	Approved by Governor	1290

LEGISLATIVE BILL 152 By Hoagland

Jan. 14	Read first time	148
Jan. 15	Referred to Committee on Public Works	194
Jan. 28	Notice of hearing	345

LEGISLATIVE BILL 153 By Sieck

Jan. 14	Read first time	162
Jan. 15	Referred to Committee on Revenue	194
Feb. 5	Notice of hearing	447

LEGISLATIVE BILL 154 By Wesely

Jan. 14	Read first time	163
Jan. 15	Referred to Committee on Banking, Commerce and Insurance	194
Jan. 20	Notice of hearing	300
Feb. 11	Placed on General File	504
Feb. 24	Committee amendments adopted. Advanced for Review	647
Feb. 26	Placed on Select File	673
Mar. 2	E and R amendments adopted. Advanced for Engrossment	717
Mar. 3	Correctly Engrossed	732
Mar. 11	Final Reading	855
Mar. 12	Speaker signed	872
Mar. 12	Presented to Governor	887
Mar. 17	Approved by Governor	951
Mar. 17	Higgins explanation of vote	966

LEGISLATIVE BILL 155 By Speaker Marvel at request of Governor

Jan. 14	Read first time	163
Jan. 15	Referred to Committee on Appropriations	194
Jan. 27	Notice of hearing	335
Feb. 20	Placed on General File	614
Mar. 9	Committee amendments lost. Warner motion prevailed. Indefinitely postponed	804

LEGISLATIVE BILL 156 By Speaker Marvel at request of Governor

Jan. 14	Read first time	163
Jan. 15	Referred to Committee on Appropriations	194
Jan. 20	Notice of hearing	317
Jan. 29	Placed on General File	355
Feb. 3	Committee amendment adopted. Advanced for Review	407

Feb. 5	Placed on Select File	440
Feb. 9	E and R amendment adopted. Advanced for Engrossment	470
Feb. 10	Correctly Engrossed	488
Feb. 19	Final Reading	570
Feb. 19	Stoney explanation of vote	581
Feb. 20	President signed	594
Feb. 20	Presented to Governor	611
Feb. 23	Approved by Governor	620

LEGISLATIVE BILL 157 By Speaker Marvel at request of Governor

Jan. 14	Read first time	163
Jan. 15	Referred to Committee on Appropriations	194
Jan. 27	Notice of hearing	336
Feb. 26	Hefner, Von Minden, Fitzgerald, Wagner, DeCamp, Chronister, Wesely, Fowler names added	679
Mar. 18	Placed on General File	987
Mar. 27	Advanced for Review	1166
Mar. 31	Placed on Select File	1203
Apr. 6	Advanced for Engrossment	1300
Apr. 7	Correctly Engrossed	1337
May 12	Final Reading	1947
May 12	Warner explanation of vote	1948
May 12	Speaker signed	1962
May 12	Presented to Governor	1977
May 14	Approved by Governor	2011

LEGISLATIVE BILL 157A By Wesely

Mar. 23	Read first time. Placed on General File	1080
Mar. 27	Advanced for Review	1166
Mar. 31	Placed on Select File	1203
Apr. 6	Advanced for Engrossment	1300
Apr. 7	Correctly Engrossed	1337
May 12	Final Reading	1948
May 12	Warner explanation of vote	1949
May 12	Speaker signed	1962
May 12	Presented to Governor	1977
May 14	Approved by Governor	2011

LEGISLATIVE BILL 158 By Speaker Marvel at request of Governor

Jan. 14	Read first time	163
Jan. 15	Referred to Committee on Appropriations	194
Jan. 27	Notice of hearing	335
Feb. 24	Placed on General File	640
Mar. 27	Committee amendments adopted. Advanced for Review	1167
Mar. 31	Placed on Select File	1203
Apr. 6	Advanced for Engrossment	1301
Apr. 7	Correctly Engrossed	1337
May 12	Final Reading	1957
May 12	Warner explanation of vote	1959
May 12	Speaker signed	1962
May 12	Presented to Governor	1977
May 18	Approved by Governor	2090

LEGISLATIVE BILL 158A By Speaker Marvel

Mar. 30	Read first time. Placed on General File	1186
Apr. 1	Advanced for Review	1259
Apr. 6	Placed on Select File	1288
Apr. 9	Advanced for Engrossment	1389
Apr. 10	Correctly Engrossed	1410
May 12	Final Reading	1958
May 12	Warner explanation of vote	1959
May 12	Speaker signed	1962
May 12	Presented to Governor	1977
May 18	Approved by Governor	2090

LEGISLATIVE BILL 159 By Speaker Marvel at request of Governor

Jan. 14	Read first time	163
Jan. 15	Referred to Committee on Appropriations	194
Jan. 27	Notice of hearing	336
Mar. 3	Indefinitely postponed	721

LEGISLATIVE BILL 160 By Speaker Marvel at request of Governor

Jan. 14	Read first time	164
Jan. 15	Referred to Committee on Appropriations	194
Apr. 14	Placed on General File	1457
Apr. 23	Advanced for Review	1542
Apr. 27	Placed on Select File	1579
Apr. 30	Advanced for Engrossment	1664
May 4	Correctly Engrossed	1718
May 7	Final Reading	1813
May 7	Speaker signed	1824

May 7	Presented to Governor	1832
May 13	Approved by Governor	2009

LEGISLATIVE BILL 161 By Speaker Marvel at request of Governor

Jan. 14	Read first time	164
Jan. 15	Referred to Committee on Appropriations	194
Apr. 14	Placed on General File	1457
Apr. 23	Committee amendment adopted. Advanced for Review	1542
Apr. 27	Placed on Select File	1579
Apr. 30	Advanced for Engrossment	1664
May 4	Correctly Engrossed	1718
May 7	Final Reading	1814
May 7	Speaker signed	1824
May 7	Presented to Governor	1832
May 13	Approved by Governor	2009

LEGISLATIVE BILL 162 By Speaker Marvel at request of Governor

Jan. 14	Read first time	164
Jan. 15	Referred to Committee on Appropriations	194

LEGISLATIVE BILL 163 By Speaker Marvel at request of Governor

Jan. 14	Read first time	164
Jan. 15	Referred to Committee on Appropriations	194
Apr. 14	Placed on General File	1457
Apr. 23	Committee amendments adopted. Advanced for Review	1545
Apr. 27	Placed on Select File	1579
May 4	E and R amendments adopted. Advanced for Engrossment	1727
May 5	Correctly Engrossed	1768
May 7	Final Reading	1818
May 7	Speaker signed	1824
May 7	Presented to Governor	1832
May 13	Approved by Governor	2009

LEGISLATIVE BILL 164 By Speaker Marvel at request of Governor

Jan. 14	Read first time	164
Jan. 15	Referred to Committee on Appropriations	194
Apr. 8	Haberman amendment printed	1357

LEGISLATIVE BILL 165 By Lamb

Jan. 14	Read first time	165
Jan. 15	Referred to Committee on Education	194
Jan. 20	Notice of hearing	270
Jan. 28	Placed on General File	346
Feb. 2	Committee amendment adopted. Advanced for Review	387
Feb. 4	Placed on Select File	413
Feb. 6	Beutler amendment lost. Advanced for Engrossment	454
Feb. 9	Correctly Engrossed	467
Feb. 19	Warner amendment printed	567
May 11	Returned to Select File for Warner amendment	1907
May 11	Warner pending amendment p. 567 adopted. Advanced for Re-Engrossment	1908
May 12	Correctly Re-Engrossed. E and R changes	1974
May 19	Final Reading	2096
May 19	Koch explanation of vote	2109
May 19	Speaker signed	2112
May 19	Presented to Governor	2116
May 22	Approved by Governor	2243

LEGISLATIVE BILL 165A By Lamb

Feb. 2	Read first time. Placed on General File	397
Feb. 5	Advanced for Review	442
Feb. 9	Placed on Select File	466
Feb. 10	Advanced for Engrossment	484
Feb. 11	Correctly Engrossed	498
May 19	Final Reading	2096
May 19	Koch explanation of vote	2109
May 19	Speaker signed	2112
May 19	Presented to Governor	2116
May 22	Approved by Governor	2243

LEGISLATIVE BILL 166 By Hoagland

Jan. 14	Read first time	165
Jan. 15	Referred to Committee on Judiciary	194
Jan. 26	Notice of hearing	329
Feb. 27	Indefinitely postponed	697

LEGISLATIVE BILL 167 By Revenue Committee

Jan. 14	Read first time	165
Jan. 15	Referred to Committee on Revenue	194
Jan. 20	Notice of hearing	302
Feb. 2	Placed on General File	392
Feb. 9	Burrows amendment to Committee amendments printed	479
Feb. 11	Committee amendments adopted as amended by Burrows pending amendment p. 479. Warner amendment lost. Warner motion to indefinitely postpone pending. DeCamp motion pending	496
Feb. 11	DeCamp pending motion withdrawn. Warner pending motion to indefinitely postpone withdrawn	500
Feb. 11	Beutler-Vickers amendment printed	507
Feb. 12	Carsten amendment printed	521
Feb. 17	Hoagland amendment printed	553
Feb. 19	Warner amendment printed	567
Feb. 19	Vickers-Beutler-Hoagland amendment printed	579
Mar. 13	Revenue Committee priority bill	924
Mar. 23	Wesely amendment withdrawn. Beutler-Vickers pending amendment p. 507 withdrawn. Beutler-Vickers-Hoagland pending amendment p. 579 lost. Carsten pending amendment p. 521 adopted. Hoagland pending amendment p. 553 lost	1063
Mar. 23	Warner pending amendment p. 567 withdrawn. Warner amendments adopted. Burrows amendment lost. Advanced for Review	1068
Mar. 25	Placed on Select File	1122
Mar. 30	E and R amendment adopted	1184
Mar. 31	Schmit-V. Johnson amendment printed	1211
Apr. 1	Hoagland-Warner amendment to Committee amendment printed	1263
Apr. 2	Schmit-V. Johnson pending amendment p. 1211 adopted. Hoagland-Warner pending amendment p. 1263 adopted. Advanced for Engrossment	1280
Apr. 6	Newell motion to return to Select File laid over	1291

Apr. 6	Correctly Engrossed. E and R changes	1317
Apr. 9	Newell motion to return to Select File pending	1371
Apr. 9	Newell pending amendment p. 1371 lost. Newell motion withdrawn. Newell motion lost	1372
Apr. 9	Final Reading	1374
Apr. 10	Barrett explanation of vote	1392
Apr. 10	President signed	1394
Apr. 10	Presented to Governor	1410
Apr. 13	Approved by Governor	1446

LEGISLATIVE BILL 168 By Revenue Committee

Jan. 14	Read first time	165
Jan. 15	Referred to Committee on Revenue	194
Jan. 20	Notice of hearing	302
Mar. 5	Placed on General File	762
Mar. 16	Marvel priority bill	949
Mar. 24	Carsten amendment printed	1105
Mar. 26	Committee amendments adopted. Carsten pending amendment withdrawn. Advanced for Review	1154
Mar. 30	Carsten amendment printed	1186
Mar. 30	Placed on Select File	1196
Apr. 2	E and R amendments adopted. Carsten pending amendment p. 1186 adopted. Advanced for Engrossment	1281
Apr. 6	Correctly Engrossed	1317
Apr. 6	E and R changes	1318
May 12	Final Reading	1945
May 12	Warner explanation of vote	1946
May 12	Speaker signed	1962
May 12	Presented to Governor	1977
May 14	Approved by Governor	2011

LEGISLATIVE BILL 168A By Carsten

Mar. 11	Read first time. Placed on General File	870
Mar. 26	Carsten amendment adopted. Advanced for Review	1155
Mar. 30	Placed on Select File	1196
Apr. 2	Advanced for Engrossment	1281
Apr. 6	Correctly Engrossed	1317
May 12	Final Reading	1946
May 12	Warner explanation of vote	1947
May 12	Speaker signed	1962

May 12 Presented to Governor 1977
May 14 Approved by Governor 2011

LEGISLATIVE BILL 169 By Hefner

Jan. 14 Read first time..................................166
Jan. 15 Referred to Committee on Revenue 195
Jan. 20 Notice of hearing................................302
Feb. 20 Placed on General File..........................615
Mar. 9 Laid over...805
Mar. 10 Fowler name added...............................838

LEGISLATIVE BILL 170 By V. Johnson

Jan. 14 Read first time..................................166
Jan. 15 Referred to Committee on Revenue 195
Jan. 20 Notice of hearing................................302
Jan. 28 Placed on General File..........................349
Feb. 2 Committee amendments adopted.
Advanced for Review 398
Feb. 2 Newell name added...............................399
Feb. 4 Placed on Select File 414
Feb. 6 E and R amendment adopted.
Advanced for Engrossment 456
Feb. 9 Correctly Engrossed..............................467
Feb. 17 Final Reading 539
Feb. 17 President signed 552
Feb. 18 Presented to Governor 557
Feb. 19 Approved by Governor 580

LEGISLATIVE BILL 171 By L. Johnson

Jan. 14 Read first time..................................166
Jan. 15 Referred to Committee on Urban Affairs........195
Jan. 20 Notice of hearing................................297
Feb. 20 Placed on General File..........................612
Mar. 9 Committee amendments adopted as amended
by L. Johnson. Advanced for Review........805
Mar. 11 Placed on Select File 841
Mar. 13 Advanced for Engrossment.......................919
Mar. 16 Correctly Engrossed..............................943
Mar. 24 Final Reading 1098
Mar. 25 Speaker signed 1122
Mar. 25 Presented to Governor 1127
Mar. 30 Approved by Governor 1176

LEGISLATIVE BILL 172 By Carsten, Warner

Jan. 14	Read first time	168
Jan. 16	Referred to Committee on Revenue	213
Jan. 20	Notice of hearing	302
Mar. 24	Placed on General File	1086
Apr. 8	Fenger amendment printed	1351
May 1	Committee amendments adopted. Advanced for Review	1693
May 5	Carsten amendment printed	1771
May 7	Placed on Select File	1816
May 26	E and R amendment adopted. Fenger pending amendment p. 1351 withdrawn. Carsten pending amendment p. 1771 adopted. Advanced for Engrossment	2296
May 27	Correctly Engrossed. E and R changes	2316
May 29	Final Reading	2391
May 29	President signed	2409
May 29	Presented to Governor	2421
June 4	Approved by Governor	2434

LEGISLATIVE BILL 173 By Warner

Jan. 14	Read first time	168
Jan. 16	Referred to Committee on Agriculture and Environment	213
Jan. 19	Notice of hearing	259
Mar. 4	Placed on General File	737
Mar. 11	Attorney General's Opinion	864
Mar. 27	Committee amendments adopted as amended by Warner. Advanced for Review	1171
Apr. 1	Placed on Select File	1236
Apr. 7	E and R amendment adopted. Wagner-Vickers amendment adopted. Beutler amendment adopted. Advanced for Engrossment	1324
Apr. 9	Correctly Engrossed	1376
Apr. 15	Final Reading	1481
Apr. 16	President signed	1503
Apr. 16	Presented to Governor	1513
Apr. 23	Approved by Governor	1527

LEGISLATIVE BILL 174 By Fenger

Jan. 14	Read first time	168
Jan. 16	Referred to Committee on Judiciary	213
Feb. 2	Notice of hearing	390
Feb. 20	Placed on General File	603
Mar. 6	V. Johnson amendment lost. Vickers amendment adopted. Advanced for Review	783
Mar. 10	Placed on Select File	817
Mar. 19	E and R amendment adopted. Hoagland motion to indefinitely postpone laid over	1016
Mar. 25	Hoagland pending motion withdrawn. Advanced for Engrossment	1125
Mar. 26	Correctly Engrossed	1139
Apr. 2	Final Reading	1271
Apr. 6	Speaker signed	1290
Apr. 6	Presented to Governor	1299
Apr. 8	Approved by Governor	1358

LEGISLATIVE BILL 175 By Fenger

Jan. 14	Read first time	168
Jan. 16	Referred to Committee on Judiciary	213
Feb. 2	Notice of hearing	390
Feb. 27	Indefinitely postponed	697

LEGISLATIVE BILL 176 By Newell

Jan. 14	Read first time	170
Jan. 16	Referred to Committee on Business and Labor	213
Jan. 30	Notice of hearing	382
Feb. 18	Placed on General File	559
Feb. 27	Laid over	698

LEGISLATIVE BILL 177 By Revenue Committee

Jan. 14	Read first time	171
Jan. 16	Referred to Committee on Revenue	213
Feb. 5	Notice of hearing	447
Mar. 5	Indefinitely postponed	766

LEGISLATIVE BILL 178 By Revenue Committee

Jan. 14	Read first time	171
Jan. 16	Referred to Committee on Revenue	213
Jan. 20	Notice of hearing	302
Jan. 28	Placed on General File	348

Feb. 2	Laid over	391
Feb. 3	Goodrich amendment printed	404
Feb. 5	Goodrich pending amendment adopted. Advanced for Review	442
Feb. 9	Placed on Select File	466
Feb. 17	E and R amendments adopted. Beutler amendment adopted	533
Feb. 19	Beutler motion to indefinitely postpone laid over	570
Feb. 23	Beutler pending motion withdrawn. Beutler amendment adopted. Advanced for Engrossment	627
Mar. 2	Correctly Engrossed. E & R change	703
Mar. 5	Final Reading	756
Mar. 6	President signed	772
Mar. 10	Presented to Governor	817
Mar. 11	Approved by Governor	844

LEGISLATIVE BILL 179 By Revenue Committee

Jan. 14	Read first time	171
Jan. 16	Referred to Committee on Revenue	213
Jan. 20	Notice of hearing	302
Feb. 23	Placed on General File	625
Mar. 10	Committee amendments adopted. Advanced for Review	836
Mar. 12	Placed on Select File	873
Mar. 17	Lamb amendment printed	976
Mar. 19	E and R amendments adopted. Lamb pending amendment adopted. Chambers amendment to Lamb pending amendment withdrawn. Lamb amendment adopted. Advanced for Engrossment	1018
Mar. 24	Correctly Engrossed. E and R changes	1093
Apr. 1	Hoagland motion to return to Select File pending	1238
Apr. 2	Attorney General's Opinion	1285
Apr. 7	Marsh amendment printed	1333
Apr. 8	Carsten amendment printed	1359
Apr. 14	Hoagland amendment printed	1468
Apr. 30	Hoagland pending amendment p. 1238 withdrawn. Returned to Select File for Marsh amendment. Marsh pending amendment p. 1333 adopted. Advanced for Re-Engrossment.	

	Returned to Select File for Carsten amendment p. 1359. Carsten pending amendment adopted. Advanced for Re-Engrossment. Hoagland pending amendment p. 1468 withdrawn	1657
May 4	Correctly Re-Engrossed	1718
May 4	E and R changes	1719
May 11	Dworak amendment printed	1933
May 12	Returned to Select File for Dworak amendment. Dworak pending amendment adopted. Advanced for Re-Engrossment	1965
May 13	Correctly Re-Engrossed	1989
May 20	Final Reading	2130
May 20	Speaker signed	2139
May 20	Presented to Governor	2144
May 22	Approved by Governor	2226

LEGISLATIVE BILL 180 By Landis

Jan. 14	Read first time	171
Jan. 16	Referred to Committee on Judiciary	213
Feb. 2	Notice of hearing	390
Feb. 27	Placed on General File	695
Apr. 27	DeCamp and Fowler names added	1597

LEGISLATIVE BILL 180A By Landis

Mar. 4	Read first time. Placed on General File	742

LEGISLATIVE BILL 181 By Public Works Committee

Jan. 14	Read first time	172
Jan. 16	Referred to Committee on Public Works	213
Jan. 20	Notice of hearing	270
Mar. 6	Placed on General File	784
Mar. 27	Wesely amendment printed	1175
Mar. 31	Wesely amendment printed	1227
Apr. 14	Attorney General's Opinion	1448
May 1	Wesely pending amendments pp. 1175 and 1227 withdrawn. Committee amendments adopted as amended by Wesely and Vickers amendments. Advanced for Review	1684
May 7	Placed on Select File	1809
May 8	E and R amendments adopted. Advanced for Engrossment	1864
May 12	Correctly Engrossed	1974

May 12	E and R changes	1975
May 19	Final Reading	2095
May 19	Koch explanation of vote	2109
May 19	Speaker signed	2112
May 19	Presented to Governor	2116
May 22	Approved by Governor	2226

LEGISLATIVE BILL 182 By H. Peterson

Jan. 14	Read first time	172
Jan. 16	Referred to Committee on Education	213
Jan. 20	Notice of hearing	270
Jan. 20	Kremer name added	317
Jan. 27	Attorney General's Opinion	333
Feb. 4	Indefinitely postponed	430

LEGISLATIVE BILL 183 By Lamb

Jan 14	Read first time	172
Jan. 16	Referred to Committee on Appropriations	213
Jan. 19	Re-referred to Committee on Public Health and Welfare	257
Feb. 4	Notice of hearing	432
Mar. 16	Lamb priority bill	949

LEGISLATIVE BILL 184 By Burrows

Jan. 14	Read first time	173
Jan. 16	Referred to Committee on Agriculture and Environment	213
Jan. 30	Notice of hearing	378
Mar. 12	Burrows priority bill	894
Apr. 13	Placed on General File	1439
Apr. 15	Attorney General's Opinion	1476
Apr. 28	Burrows amendment printed	1609
May 5	Committee amendments lost. Burrows pending amendment adopted. Failed to advance for Review	1766
May 13	Advanced for Review	1997
May 14	Placed on Select File	2051
May 20	E and R amendments adopted. Schmit amendment adopted. Failed to advance for Engrossment	2156
May 21	Attorney General's Opinion	2178
May 22	Failed to advance for Engrossment. Indefinitely postponed	2235

LEGISLATIVE BILL 185 By Beyer

Jan. 14	Read first time	174
Jan. 16	Referred to Committee on Banking, Commerce and Insurance	213
Jan. 20	Notice of hearing	300
Jan. 28	Placed on General File	348
Feb. 2	Advanced for Review	391
Feb. 4	Placed on Select File	413
Feb. 6	Advanced for Engrossment	455
Feb. 9	Correctly Engrossed	467
Feb. 17	Final Reading	539
Feb. 17	President signed	552
Feb. 18	Presented to Governor	557
Feb. 19	Approved by Governor	580

LEGISLATIVE BILL 186 By Beyer

Jan. 14	Read first time	174
Jan. 16	Referred to Committee on Government, Military and Veterans Affairs	213
Jan. 26	Notice of hearing	327
Feb. 9	Placed on General File	481
Feb. 18	Committee amendment adopted. Kahle amendment adopted. Advanced for Review	558
Feb. 20	Placed on Select File	589
Feb. 23	E and R amendments adopted. Pirsch amendment adopted. Advanced for Engrossment	632
Feb. 25	Correctly Engrossed	661
Mar. 2	Final Reading	712
Mar. 3	President signed	723
Mar. 3	Presented to Governor	732
Mar. 9	Approved by Governor	791

LEGISLATIVE BILL 187 By Hoagland

Jan. 14	Read first time	174
Jan. 16	Referred to Committee on Banking, Commerce and Insurance	213
Jan. 20	Notice of hearing	300
Jan. 28	Placed on General File	348
Feb. 2	Advanced for Review	391
Feb. 4	Placed on Select File	413
Feb. 6	Advanced for Engrossment	455
Feb. 9	Correctly Engrossed	467
Feb. 17	Final Reading	540

Feb. 17 President signed 552
Feb. 18 Presented to Governor 557
Feb. 19 Approved by Governor 580

LEGISLATIVE BILL 188 By Judiciary Committee

Jan. 14 Read first time.................................175
Jan. 16 Referred to Committee on Business and Labor...213
Jan. 28 Notice of hearing..............................345
Feb. 6 Placed on General File..........................461
Feb. 11 Maresh amendment adopted.
Advanced for Review 500
Feb. 17 Placed on Select File 526
Feb. 19 E and R amendment adopted. Hefner amendment
withdrawn. Advanced for Engrossment 575
Feb. 20 Correctly Engrossed.............................610
May 11 Final Reading 1911
May 12 President signed 1936
May 12 Presented to Governor 1977
May 14 Approved by Governor 2049

LEGISLATIVE BILL 188A By Nichol

Feb. 9 Read first time. Placed on General File.........478
Feb. 11 Advanced for Review 501
Feb. 17 Placed on Select File 526
Feb. 19 Nichol amendment adopted.
Advanced for Engrossment..................575
Feb. 20 Correctly Engrossed.............................610
May 11 Final Reading 1912
May 12 President signed 1936
May 12 Presented to Governor 1977
May 14 Approved by Governor 2049

LEGISLATIVE BILL 189 By Judiciary Committee

Jan. 14 Read first time.................................175
Jan. 16 Referred to Committee on Judiciary 213
Feb. 2 Notice of hearing...............................390
Apr. 28 Indefinitely postponed.........................1614

LEGISLATIVE BILL 190 By DeCamp

Jan. 14 Read first time.................................175
Jan. 16 Referred to Committee on Public Works 213
Jan. 27 Notice of hearing..............................336

Feb. 18	Attorney General's Opinion	556
Feb. 20	Placed on General File	616
Feb. 23	Koch amendment printed	625
Mar. 6	Kahle amendment to Committee amendment printed	787
Mar. 9	Haberman motion lost. Committee amendments adopted. Kahle pending amendment p. 787 lost. Haberman amendments (1) and (2) lost	808
Mar. 10	Warner amendment adopted as amended by Haberman amendment. Advanced for Review	830
Mar. 12	Placed on Select File	873
Mar. 12	Koch amendment printed	893
Mar. 18	Koch-Burrows amendment printed	1000
Mar. 19	E and R amendments adopted. Schmit motion to indefinitely postpone laid over	1016
Mar. 25	Schmit pending motion p. 1016 lost. Koch pending amendments pp. 625, 893, 1000 withdrawn. Koch amendment adopted. DeCamp amendment adopted. Advanced for Engrossment	1125
Mar. 26	Correctly Engrossed. E and R changes	1139
Apr. 2	Warner amendment printed	1276
Apr. 15	Warner amendment printed	1487
May 4	Warner pending amendment p. 1276 withdrawn. Returned to Select File for Warner amendment	1703
May 4	Warner pending amendment p. 1487 adopted. Advanced for Re-Engrossment	1704
May 6	Correctly Re-Engrossed	1801
May 7	Dworak explanation of vote	1824
May 13	Final Reading	1990
May 13	President signed	1998
May 13	Presented to Governor	2009
May 18	Approved by Governor	2062

LEGISLATIVE BILL 191 By Marsh

Jan. 14	Read first time	176
Jan. 16	Referred to Committee on Business and Labor	213
Jan. 20	Notice of hearing	313
Jan. 28	Marsh motion prevailed. Withdrawn	341
Jan. 28	Notice of hearing (cancel)	345

LEGISLATIVE BILL 192 By Maresh, Remmers

Jan. 14	Read first time	176
Jan. 16	Referred to Committee on Judiciary	213
Feb. 3	Notice of hearing	402
Mar. 23	Placed on General File	1073
May 1	Kilgarin-Hoagland-Vickers amendment to Committee amendment pending. Maresh motion to overrule Speaker's agenda lost	1692

LEGISLATIVE BILL 193 By Fowler

Jan. 15	Read first time	181
Jan. 16	Referred to Committee on Miscellaneous Subjects	214
Feb. 4	Notice of hearing	428
Mar. 16	Indefinitely postponed	937

LEGISLATIVE BILL 194 By Clark

Jan. 15	Read first time	181
Jan. 16	Referred to Committee on Urban Affairs	214
Jan. 20	Notice of hearing	297
Feb. 19	Placed on General File	567
Mar. 6	Hoagland amendment adopted. Advanced for Review	781
Mar. 10	Placed on Select File	817
Mar. 13	E and R amendments adopted. Advanced for Engrossment	918
Mar. 16	Correctly Engrossed	943
Mar. 24	Final Reading	1099
Mar. 24	Speaker signed	1122
Mar. 25	Presented to Governor	1127
Mar. 26	Approved by Governor	1155

LEGISLATIVE BILL 195 By Warner

Jan. 15	Read first time	181
Jan. 16	Referred to Committee on Banking, Commerce and Insurance	214
Jan. 20	Notice of hearing	302
Feb. 12	Placed on General File	512
Feb. 25	Committee amendment adopted. Advanced for Review	668
Feb. 27	Placed on Select File	688

Mar. 3	Advanced for Engrossment	734
Mar. 4	Warner amendment adopted. Advanced for Engrossment	739
Mar 6	Correctly Engrossed	771
Mar. 11	Final Reading	850
Mar. 12	Speaker signed	872
Mar. 12	Presented to Governor	887
Mar. 17	Approved by Governor	951

LEGISLATIVE BILL 196 By Carsten

Jan. 15	Read first time	181
Jan. 16	Referred to Committee on Urban Affairs	214
Jan. 20	Notice of hearing	297
Feb. 19	Indefinitely postponed	567

LEGISLATIVE BILL 197 By Kilgarin

Jan. 15	Read first time	182
Jan. 16	Referred to Committee on Revenue	214
Jan. 28	Notice of hearing	344
Feb. 19	Marsh name added	581
Feb. 19	Placed on General File	586
Mar. 16	Marsh priority bill	949
Mar. 23	Newell amendment lost. Advanced for Review	1072
Mar. 25	Placed on Select File	1122
Mar. 30	E and R amendment adopted. Advanced for Engrossment	1184
Mar. 31	Correctly Engrossed	1220
May 12	Final Reading	1937
May 12	Warner explanation of vote	1939
May 12	Speaker signed	1962
May 12	Presented to Governor	1977
May 18	Approved by Governor	2090

LEGISLATIVE BILL 197A By Kilgarin

Feb. 23	Read first time. Placed on General File	633
Mar. 23	Advanced for Review	1072
Mar. 25	Placed on Select File	1122
Mar. 30	Advanced for Engrossment	1184
Mar. 31	Correctly Engrossed	1220
May 12	Final Reading	1938
May 12	Warner explanation of vote	1939
May 12	Speaker signed	1962
May 12	Presented to Governor	1977

May 18	Approved by Governor	2090

LEGISLATIVE BILL 198 By Government, Military and Veterans Affairs Committee

Jan. 15	Read first time	182
Jan. 16	Referred to Committee on Public Works	214
Jan. 20	Notice of hearing	270
Feb. 24	Placed on General File	650
Mar. 9	Warner amendment printed	810
Mar. 11	Warner amendment printed	861

LEGISLATIVE BILL 199 By Rumery

Jan. 15	Read first time	182
Jan. 16	Referred to Committee on Banking, Commerce and Insurance	214
Jan. 20	Notice of hearing	300
Jan. 28	Placed on General File	349
Feb. 2	Committee amendment adopted. Advanced for Review	398
Feb. 4	Placed on Select File	414
Feb. 6	E and R amendment adopted. Advanced for Engrossment	456
Feb. 9	Correctly Engrossed	467
Feb. 17	Final Reading	541
Feb. 17	President signed	552
Feb. 18	Presented to Governor	557
Feb. 19	Approved by Governor	580

LEGISLATIVE BILL 200 By Hefner

Jan. 15	Read first time	182
Jan. 16	Referred to Committee on Public Works	214
Jan. 27	Notice of hearing	336
Mar. 19	Placed on General File	1028
Mar. 27	Advanced for Review	1166
Mar. 31	Placed on Select File	1203
Apr. 6	Carsten amendment adopted. Advanced for Engrossment	1300
Apr. 7	Correctly Engrossed	1337
Apr. 7	E and R changes	1344
Apr. 13	Final Reading	1428
Apr. 14	President signed	1450
Apr. 14	Presented to Governor	1458
Apr. 15	Approved by Governor	1502

LEGISLATIVE BILL 201 By Business and Labor Committee

Jan. 15	Read first time	183
Jan. 16	Referred to Committee on Business and Labor	214
Jan. 30	Notice of hearing	382
Mar. 27	Indefinitely postponed	1170

LEGISLATIVE BILL 202 By Chambers

Jan. 15	Read first time	183
Jan. 16	Referred to Committee on Judiciary	214
Feb. 3	Notice of hearing	402
Feb. 18	Dworak name added	563
Mar. 19	Placed on General File	1044

LEGISLATIVE BILL 203 By H. Peterson, Cope

Jan. 15	Read first time	183
Jan. 16	Referred to Committee on Nebraska Retirement Systems	214
Jan. 30	Notice of hearing	382
Mar. 10	Indefinitely postponed	821

LEGISLATIVE BILL 204 By Wagner

Jan. 15	Read first time	183
Jan. 16	Referred to Committee on Government, Military and Veterans Affairs	214
Jan. 30	Notice of hearing	376
Feb. 23	Placed on General File	627
Mar. 10	Committee amendments adopted as amended by Wagner. Advanced for Review	836
Mar. 12	Placed on Select File	873
Mar. 19	E and R amendments adopted. Advanced for Engrossment	1024
Mar. 24	Correctly Engrossed. E and R changes	1118
May 11	Final Reading	1924
May 12	President signed	1936
May 12	Presented to Governor	1977
May 18	Approved by Governor	2090

LEGISLATIVE BILL 204A By Wagner

Feb. 25	Read first time. Placed on General File	660
Mar. 10	Advanced for Review	836
Mar. 12	Placed on Select File	874

Mar. 13	Wagner amendment printed	899
Mar. 19	Wagner pending amendment adopted. Advanced for Engrossment	1024
Mar. 24	Correctly Engrossed	1118
May 11	Final Reading	1925
May 12	President signed	1936
May 12	Presented to Governor	1977
May 18	Approved by Governor	2090

LEGISLATIVE BILL 205 By Newell

Jan. 15	Read first time	184
Jan. 16	Referred to Committee on Judiciary	214
Jan. 26	Notice of hearing	329
Feb. 11	Placed on General File	507
Feb. 24	Committee amendments adopted	647
Feb. 25	Chambers motion to indefinitely postpone lost. Advanced for Review	661
Feb. 27	Placed on Select File	688
Mar. 3	E and R amendments adopted. Advanced for Engrossment	733
Mar. 6	Correctly Engrossed	771
Mar. 10	Beutler amendment printed	837
Mar. 11	Returned to Select File for Beutler amendment. Beutler pending amendment p. 837 withdrawn. Beutler amendment printed	851
Mar. 11	Beutler pending amendment adopted	853
Mar. 11	Advanced for Re-Engrossment	866
Mar. 12	Correctly Re-Engrossed. E and R changes	874
Mar. 17	Higgins explanation of vote	966
Mar. 19	Hoagland-Beutler amendment printed	1046
Mar. 23	Attorney General's Opinion	1055
Apr. 1	Chambers motion to return to Select File lost. Beutler-Hoagland pending amendment p. 1046 withdrawn. Returned to Select File for Beutler-Newell amendment	1239
Apr. 1	Beutler-Newell pending amendment adopted. Advanced for Re-Engrossment	1241
Apr. 1	Chambers motion to return to Select File lost. Returned to Select File for Newell amendment. Newell amendment adopted. Advanced for Re-Engrossment	1242
Apr. 2	Correctly Re-Engrossed	1269
Apr. 8	Chambers motions to return to	

	Select File lost	1348
Apr. 8	Final Reading	1349
Apr. 9	Speaker signed	1366
Apr. 9	Presented to Governor	1375
Apr. 10	Attorney General's Opinion	1401
Apr. 13	Approved by Governor	1446

LEGISLATIVE BILL 206 By Chambers

Jan. 15	Read first time	184
Jan. 19	Referred to Committee on Miscellaneous Subjects	257
Jan. 20	Re-referred to General File	303
Jan. 26	Fenger request bill be re-referred to Miscellaneous Subjects Committee	328
Jan. 27	Notice of hearing	340
Feb. 2	Warner motion to bracket	392
Feb. 9	Attorney General's Opinion	468
Feb. 9	Placed on General File	481
Feb. 18	Advanced for Review	561
Feb. 20	Placed on Select File	589
Feb. 23	Advanced for Engrossment	633
Feb. 25	Correctly Engrossed	661
Mar. 3	Chambers motion to unbracket prevailed. Hefner motion to return to Select File withdrawn. Final Reading	723
Mar. 5	Speaker signed	752
Mar. 5	Presented to Governor	758
Mar. 9	Attorney General's Opinion	803
Mar. 10	Returned by Governor without approval	818
Mar. 10	Motion to override Governor's veto laid over	829
Mar. 16	Pending motion to override Governor's veto prevailed	938
Mar. 16	Letter	941
Mar. 16	Certificate	942
Mar. 17	Letter. Certificate	980

LEGISLATIVE BILL 206A By Chambers

Feb. 2	Warner motion to bracket	392
Feb. 12	Read first time. Placed on General File	521
Feb. 18	Advanced for Review	561
Feb. 20	Placed on Select File	589
Feb. 23	Advanced for Engrossment	633
Feb. 25	Correctly Engrossed	661
Mar. 3	Chambers motion to unbracket prevailed	723

Mar. 3	Final Reading	724
Mar. 5	Speaker signed	752
Mar. 5	Presented to Governor	758
Mar. 10	Returned by Governor without approval	818
Mar. 10	Motion to override Governor's veto laid over	829
Mar. 16	Pending motion to override Governor's veto prevailed	939
Mar. 16	Letter. Certificate	942
Mar. 17	Letter. Certificate	981

LEGISLATIVE BILL 207 By Education Committee

Jan. 15	Read first time	185
Jan. 19	Referred to Committee on Education	257
Jan. 20	Notice of hearing	270
Jan. 28	Placed on General File	346
Jan. 29	Haberman amendment withdrawn. Failed to advance for Review	358
Jan. 30	Koch amendment printed	380
Feb. 9	Koch amendment printed	471
Feb. 11	Koch pending amendment p. 380 withdrawn. Koch pending amendment p. 471 adopted. Advanced for Review	496
Feb. 17	Placed on Select File	525
Feb. 19	E and R amendments adopted. Advanced for Engrossment	574
Feb. 20	Correctly Engrossed	610
May 11	Final Reading	1913
May 12	Correctly Enrolled. President signed	1936
May 12	Presented to Governor	1977
May 14	Approved by Governor	2049

LEGISLATIVE BILL 207A By Koch

Jan. 29	Read first time. Placed on General File	365
Feb. 11	Advanced for Review	496
Feb. 17	Placed on Select File	526
Feb. 19	Koch amendment adopted. Advanced for Engrossment	575
Feb. 20	Correctly Engrossed	610
May 11	Final Reading	1914
May 12	President signed	1936
May 12	Presented to Governor	1977
May 14	Approved by Governor	2049

LEGISLATIVE BILL 208 By Education Committee

Jan. 15	Read first time	185
Jan. 19	Referred to Committee on Education	257
Jan. 29	Notice of hearing	356
Feb. 9	Notice of hearing (reset)	476
Feb. 20	Notice of hearing (reset)	603
Apr. 1	Placed on General File	1259

LEGISLATIVE BILL 209 By Koch

Jan. 15	Read first time	185
Jan. 19	Referred to Committee on Government, Military and Veterans Affairs	257
Feb. 5	Notice of hearing	448
Mar. 13	Koch priority bill	926
Apr. 7	Placed on General File	1322
May 5	Committee amendments lost. Haberman-Newell amendment ruled not germane. Hoagland amendment lost	1755
May 5	Hoagland amendment adopted. Haberman motion prevailed. Indefinitely postponed	1758

LEGISLATIVE BILL 210 By Vickers

Jan. 15	Read first time	185
Jan. 19	Referred to Committee on Education	257
Jan. 29	Notice of hearing	356

LEGISLATIVE BILL 211 By Newell

Jan. 15	Read first time	186
Jan. 19	Referred to Committee on Revenue	257
Feb. 3	Notice of hearing	404
Feb. 6	Newell amendment printed	463

LEGISLATIVE BILL 212 By V. Johnson

Jan. 15	Read first time	186
Jan. 19	Referred to Committee on Public Health and Welfare	257
Feb. 4	Notice of hearing	432
Mar. 31	Placed on General File	1215

LEGISLATIVE BILL 213 By Pirsch, Hoagland, Hefner

Jan. 15	Read first time	186
Jan. 19	Referred to Committee on Judiciary	257
Feb. 3	Notice of hearing	402
Feb. 24	Cullan name added	641
Mar. 13	Judiciary Committee priority bill	925
Mar. 25	Cullan-Hoagland-Hefner-Pirsch motion laid over	1136
Apr. 6	Placed on General File	1310
Apr. 23	Hoagland amendment to Committee amendment printed	1544
Apr. 28	Committee amendments adopted as amended by Nichol amendment and Hoagland pending amendment p. 1544. Advanced for Review	1618
Apr. 30	Placed on Select File	1645
May 13	Hoagland-Cullan-Hefner-Pirsch amendment to Committee amendments printed	1987
May 14	Attorney General's Opinion	2012
May 18	Nichol amendment printed	2086
May 19	Pirsch-Hoagland-Cullan-Hefner amendment printed	2122
May 20	E and R amendments adopted. Hoagland et al pending amendment p. 1987 withdrawn. Pirsch et al pending amendment p. 2122 adopted. Advanced for Engrossment	2150
May 22	Correctly Engrossed. E and R changes	2225
May 27	Nichol-DeCamp motion to return to Select File lost	2322
May 27	Final Reading	2345
May 27	Speaker signed	2354
May 28	Presented to Governor	2356
May 28	Koch explanation of vote	2366
May 29	Approved by Governor	2383
May 29	Attorney General's Opinion	2387

LEGISLATIVE BILL 214 By Hefner

Jan. 15	Read first time	186
Jan. 19	Referred to Committee on Banking, Commerce and Insurance	257
Jan. 20	Notice of hearing	301
Feb. 4	Placed on General File	428
Feb. 10	Laid over	484
Feb. 10	Beutler amendment to Committee amendment lost. Advanced for Review	486
Feb. 12	Placed on Select File	512

Feb. 17	E and R amendment adopted. V. Johnson motion to indefinitely postpone laid over	536
Feb. 19	V. Johnson pending motion withdrawn. Fowler amendment lost. V. Johnson amendment adopted. Advanced for Engrossment	570
Feb. 20	Correctly Engrossed	610
Mar. 2	Final Reading	704
Mar. 3	President signed	723
Mar. 3	Presented to Governor	732
Mar. 9	Approved by Governor	791

LEGISLATIVE BILL 215 By Chronister

Jan. 15	Read first time	186
Jan. 19	Referred to Committee on Judiciary	257
Feb. 2	Notice of hearing	389
Feb. 27	Placed on General File	695

LEGISLATIVE BILL 216 By Agriculture and Environment Committee

Jan. 15	Read first time	187
Jan. 19	Referred to Committee on Agriculture and Environment	257
Jan. 28	Notice of hearing	344
Mar. 23	Placed on General File	1070
May 1	Committee amendments adopted. Advanced for Review	1691
May 7	Placed on Select File	1816
May 26	E and R amendments adopted. Schmit amendment adopted. Beutler amendment lost. Advanced for Engrossment	2268
May 26	Correctly Engrossed	2297
May 28	Final Reading	2368
May 28	President signed	2371
May 28	Presented to Governor	2375
May 29	Approved by Governor	2383

LEGISLATIVE BILL 217 By Von Minden

Jan. 15	Read first time	187
Jan. 19	Referred to Committee on Miscellaneous Subjects	257
Jan. 20	Notice of hearing	303
Feb. 17	Placed on General File	549
Feb. 27	Advanced for Review	691

Mar. 3	Placed on Select File	730
Mar. 4	Advanced for Engrossment	744
Mar. 9	Correctly Engrossed	809
Mar. 12	Final Reading	878
Mar. 13	President signed	899
Mar. 13	Presented to Governor	917
Mar. 17	Approved by Governor	951
Mar. 17	Higgins explanation of vote	966

LEGISLATIVE BILL 218 By Sieck

Jan. 15	Read first time	187
Jan. 19	Referred to Committee on Education	257
Jan. 29	Notice of hearing	356
Feb. 9	Notice of hearing (reset)	476
Apr. 1	Placed on General File	1230
May 26	Committee amendments adopted. Advanced for Review	2258
May 26	Placed on Select File	2259
May 27	E and R amendment adopted. Advanced for Engrossment	2312
May 27	Correctly Engrossed	2334
May 29	Final Reading	2392
May 29	President signed	2409
May 29	Presented to Governor	2421
June 4	Approved by Governor	2434

LEGISLATIVE BILL 219 By Sieck

Jan. 15	Read first time	187
Jan. 19	Referred to Committee on Revenue	257
Feb. 5	Notice of hearing	447

LEGISLATIVE BILL 220 By Maresh

Jan. 15	Read first time	188
Jan. 19	Referred to Committee on Urban Affairs	258
Feb. 3	Notice of hearing	410
Feb. 20	Placed on General File	613
Mar. 10	Maresh-Hoagland amendment to Committee amendment lost. Committee amendment (1) lost. Committee amendment (2) adopted. Advanced for Review	831
Mar. 12	Placed on Select File	873
Mar. 19	Advanced for Engrossment	1016
Mar. 23	Correctly Engrossed	1051

Mar. 31	Final Reading	1208
Apr. 1	Speaker signed	1235
Apr. 1	Presented to Governor	1257
Apr. 6	Approved by Governor	1290

LEGISLATIVE BILL 221 By Wagner, Fitzgerald, Chronister, Von Minden, Hefner

Jan. 15	Read first time	188
Jan. 19	Referred to Committee on Government, Military and Veterans Affairs	258
Jan. 26	Notice of hearing	327
Feb. 9	Placed on General File	481
Feb. 17	Advanced for Review	553
Feb. 19	Placed on Select File	566
Feb. 23	Advanced for Engrossment	631
Feb. 25	Correctly Engrossed	661
Mar. 2	Final Reading	712
Mar. 3	President signed	723
Mar. 3	Presented to Governor	732
Mar. 9	Approved by Governor	791

LEGISLATIVE BILL 222 By Public Works Committee

Jan. 15	Read first time	188
Jan. 19	Referred to Committee on Public Works	258
Jan. 27	Notice of hearing	336

LEGISLATIVE BILL 223 By V. Johnson

Jan. 15	Read first time	195
Jan. 19	Referred to Committee on Education	258
Jan. 27	Notice of hearing	336
Mar. 6	Indefinitely postponed	770

LEGISLATIVE BILL 224 By Maresh

Jan. 15	Read first time	195
Jan. 19	Referred to Committee on Public Works	258
Jan. 27	Notice of hearing	336
Mar. 23	Placed on General File	1051
May 1	Committee amendment adopted. Advanced for Review	1691
May 7	Placed on Select File	1811
May 8	Advanced for Engrossment	1864
May 12	Correctly Engrossed	1974

May 12	E and R changes	1975
May 19	Returned to Select File for Beutler amendment	2097
May 19	Beutler pending amendment adopted. Advanced for Re-Engrossment	2098
May 20	Correctly Re-Engrossed	2127
May 26	Final Reading	2248
May 26	Chronister explanation of vote	2258
May 26	President signed	2259
May 26	Presented to Governor	2264
May 27	Approved by Governor	2329

LEGISLATIVE BILL 225 By Nichol

Jan. 15	Read first time	196
Jan. 19	Referred to Committee on Government, Military and Veterans Affairs	258
Jan. 26	Notice of hearing	327
Mar. 12	Indefinitely postponed	896

LEGISLATIVE BILL 226 By Haberman

Jan. 15	Read first time	196
Jan. 19	Referred to Committee on Public Works	258
Jan. 20	Notice of hearing	270
Feb. 6	Attorney General's Opinion	451
Mar. 24	Placed on General File	1084

LEGISLATIVE BILL 226A By Haberman

Apr. 16	Read first time. Placed on General File	1513

LEGISLATIVE BILL 227 By V. Johnson

Jan. 15	Read first time	196
Jan. 19	Referred to Committee on Judiciary	258
Feb. 2	Notice of hearing	389
May 6	Indefinitely postponed	1796

LEGISLATIVE BILL 228 By Landis

Jan. 15	Read first time	196
Jan. 19	Referred to Committee on Judiciary	258
Feb. 3	Notice of hearing	401
Mar. 13	Placed on General File	913
May 1	Committee amendments adopted. Advanced for Review	1685

May 4	Placed on Select File	1726
May 8	Advanced for Engrossment	1863
May 11	Correctly Engrossed	1900
May 11	E & R changes	1902
May 14	Final Reading	2036
May 14	Stoney and Marsh explanations of vote	2046
May 14	Speaker signed	2051
May 18	Approved by Governor	2075
May 19	Presented to Governor	2094

LEGISLATIVE BILL 229 By Telecommunications Committee

Jan. 16	Read first time	199
Jan. 19	Referred to Committee on Public Works	258
Jan. 27	Notice of hearing	336
Mar. 12	Placed on General File	887

LEGISLATIVE BILL 230 By Fowler

Jan. 16	Read first time	199
Jan. 19	Referred to Committee on Public Works	258
Jan. 27	Notice of hearing	336
Mar. 19	Placed on General File	1014

LEGISLATIVE BILL 231 By Fowler

Jan. 16	Read first time	199
Jan. 19	Referred to Committee on Judiciary	258
Feb. 3	Notice of hearing	402
Mar. 23	Placed on General File	1073

LEGISLATIVE BILL 232 By Speaker Marvel at request of Governor

Jan. 16	Read first time	199
Jan. 19	Referred to Committee on Appropriations	258
Jan. 27	Notice of hearing	335
Apr. 16	Placed on General File	1505
Apr. 23	Committee amendments adopted. Advanced for Review	1542
Apr. 27	Placed on Select File	1579
Apr. 29	Warner amendment printed	1641
Apr. 30	E and R amendments adopted. Warner pending amendment adopted. Advanced for Engrossment	1664
May 4	Correctly Engrossed	1718
May 7	Final Reading	1817

May 7	Speaker signed	1824
May 7	Presented to Governor	1832
May 13	Approved by Governor	2009

LEGISLATIVE BILL 233 By Maresh, Schmit, Hefner, R. Peterson, Sieck

Jan. 16	Read first time	200
Jan. 19	Referred to Committee on Revenue	258
Feb. 5	Notice of hearing	447
Mar. 27	Placed on General File	1163

LEGISLATIVE BILL 234 By Business and Labor Committee

Jan. 16	Read first time	200
Jan. 19	Referred to Committee on Business and Labor	258
Jan. 20	Notice of hearing	313
Feb. 6	Placed on General File	461
Feb. 11	Advanced for Review	501
Feb. 17	Placed on Select File	526
Feb. 19	Advanced for Engrossment	576
Feb. 20	Correctly Engrossed	610
May 11	Returned to Select File for Fowler amendment	1915
May 11	Fowler pending amendment adopted. Advanced for Re-Engrossment	1918
May 12	Correctly Re-Engrossed	1974
May 12	E & R changes	1975
May 18	DeCamp amendment printed	2077
May 19	DeCamp motion to return to Select File withdrawn. Final Reading	2098
May 20	DeCamp-Maresh motion to reconsider laid over	2136
May 21	DeCamp-Maresh pending motion prevailed. Returned to Select File for DeCamp amendment	2191
May 21	DeCamp pending amendment adopted. Advanced for Re-Engrossment	2192
May 22	Correctly Re-Engrossed. E & R changes	2225
May 29	Final Reading	2393
May 29	President signed	2409
May 29	Presented to Governor	2421
June 4	Approved by Governor	2435

LEGISLATIVE BILL 234A By Maresh

Feb. 9	Read first time. Placed on General File	478
Feb. 11	Advanced for Review	501
Feb. 17	Placed on Select File	526
Feb. 19	Advanced for Engrossment	576
Feb. 20	Correctly Engrossed	610
May 11	Returned to Select File for Fowler amendment	1923
May 11	Fowler pending amendment adopted. Advanced for Re-Engrossment	1924
May 12	Correctly Re-Engrossed	1974
May 12	E and R changes	1975
May 27	Returned to Select File for DeCamp amendment	2321
May 27	DeCamp pending amendment adopted. Advanced for Re-Engrossment	2322
May 27	Correctly Re-Engrossed	2350
May 29	Final Reading	2393
May 29	President signed	2409
May 29	Presented to Governor	2421
June 4	Approved by Governor	2435

LEGISLATIVE BILL 235 By Business and Labor Committee

Jan. 16	Read first time	200
Jan. 19	Referred to Committee on Business and Labor	258
Jan. 20	Notice of hearing	313
Mar. 13	Indefinitely postponed	921

LEGISLATIVE BILL 236 By Nichol

Jan. 16	Read first time	200
Jan. 19	Referred to Committee on Agriculture and Environment	258
Jan. 19	Notice of hearing	259
Feb. 9	Placed on General File	481
Feb. 17	Committee amendment adopted. Advanced for Review	553
Feb. 19	Placed on Select File	566
Feb. 23	E and R amendment adopted. Advanced for Engrossment	631
Feb. 24	E and R amendment (Correction)	639
Feb. 25	Correctly Engrossed	661
Mar. 2	Final Reading	713
Mar. 3	President signed	723
Mar. 3	Presented to Governor	732

Mar. 5	Approved by Governor	747

LEGISLATIVE BILL 237 By Wesely

Jan. 16	Read first time	201
Jan. 19	Referred to Committee on Urban Affairs	258
Feb. 3	Notice of hearing	411

LEGISLATIVE BILL 238 By Goodrich

Jan. 16	Read first time	201
Jan. 19	Referred to Committee on Banking, Commerce and Insurance	258
Jan. 20	Notice of hearing	300
Jan. 28	Placed on General File	346
Feb. 2	Committee amendment adopted as amended by V. Johnson. Advanced for Review	391
Feb. 4	Placed on Select File	413
Feb. 6	E and R amendment adopted. Advanced for Engrossment	455
Feb. 9	Correctly Engrossed	467
Feb. 17	Final Reading	542
Feb. 17	President signed	552
Feb. 18	Presented to Governor	557
Feb. 19	Approved by Governor	580

LEGISLATIVE BILL 239 By Labedz, L. Johnson

Jan. 16	Read first time	201
Jan. 19	(Correction)	220
Jan. 19	Referred to Committee on Government, Military and Veterans Affairs	258
Jan. 30	Notice of hearing	376
Mar. 24	Placed on General File	1089
May 1	Kahle amendment printed	1694

LEGISLATIVE BILL 240 By Pirsch, Kilgarin

Jan. 16	Read first time	201
Jan. 19	Referred to Committee on Nebraska Retirement Systems	258
Jan. 28	Notice of hearing	345

LEGISLATIVE BILL 241 By Wesely

Jan. 16	Read first time	201
Jan. 19	Referred to Committee on Urban Affairs	258
Feb. 3	Notice of hearing	411
Mar. 13	Haberman name added	924
Mar. 13	Urban Affairs Committee priority bill	925
Mar. 16	Placed on General File	935
Apr. 6	Beyer amendment to Committee amendment lost. Committee amendment adopted. Wesely amendment adopted. Advanced for Review	1318
Apr. 8	Placed on Select File	1346
Apr. 15	E and R amendments adopted. Koch amendment adopted. Advanced for Engrossment	1484
Apr. 16	Correctly Engrossed	1524
Apr. 27	Final Reading	1580
Apr. 28	Speaker signed	1600
Apr. 28	Presented to Governor	1609
Apr. 30	Approved by Governor	1669

LEGISLATIVE BILL 242 By Nichol

Jan. 16	Read first time	202
Jan. 19	Referred to Committee on Judiciary	258
Feb. 3	Notice of hearing	402
Mar. 13	Placed on General File	913
May 1	Committee amendment adopted. Advanced for Review	1685
May 5	Nichol amendment printed	1759
May 5	Placed on Select File	1771
May 26	Nichol pending amendment adopted. Advanced for Engrossment	2284
May 27	Correctly Engrossed. E and R changes	2316

LEGISLATIVE BILL 243 By Schmit

Jan. 16	Read first time	202
Jan. 19	Referred to Committee on Agriculture and Environment	258
Jan. 28	Notice of hearing	344
Feb. 26	Placed on General File	676
Mar. 13	Schmit priority bill	925
Apr. 1	Attorney General's Opinion	1250
Apr. 7	Schmit amendment printed	1337
Apr. 10	Committee amendment adopted. Schmit pending amendment adopted. Sieck motion	

	to indefinitely postpone pending	1409
Apr. 10	Sieck pending motion lost. Haberman amendment lost as amended by Beutler amendment. Koch amendment withdrawn. Failed to advance for Review	1412
Apr. 13	Fowler motion to reconsider laid over	1438
Apr. 24	Fowler pending motion withdrawn	1552
Apr. 24	Attorney General's Opinion	1553
Apr. 24	Attorney General's Opinion	1555
May 12	Failed to advance for Review	1978
May 13	Marvel explanation of vote	2000
May 18	Schmit amendment printed	2083
May 19	Schmit pending amendment adopted. Advanced for Review	2110
May 20	Placed on Select File	2149
May 22	E and R amendment adopted. Schmit amendment adopted. Haberman amendment lost	2221
May 22	Haberman amendment withdrawn. Failed to advance for Engrossment	2223
May 26	Haberman amendment ruled not germane. Haberman motion to indefinitely postpone withdrawn. Advanced for Engrossment	2266
May 26	Correctly Engrossed	2283
May 28	Final Reading	2369

LEGISLATIVE BILL 244 By Burrows, Koch, Landis

Jan. 16	Read first time	202
Jan. 19	Referred to Committee on Banking, Commerce and Insurance	258
Jan. 20	Notice of hearing	301
Jan. 28	Placed on General File	348
Feb. 2	Advanced for Review	392
Feb. 4	Placed on Select File	414
Feb. 6	Advanced for Engrossment	455
Feb. 9	Correctly Engrossed	467
Feb. 17	Final Reading	542
Feb. 17	President signed	552
Feb. 18	Presented to Governor	557
Feb. 20	Approved by Governor	593

LEGISLATIVE BILL 245 By Wagner, Kahle, Lamb, Kremer, Rumery, H. Peterson, Maresh, Schmit, Hefner, DeCamp

Jan. 16	Read first time	202
Jan. 19	Referred to Committee on Agriculture and Environment	258
Jan. 19	Koch motion to re-refer to Committee on Education printed	261
Jan. 20	Koch pending motion p. 261 to re-refer to Committee (Correction)	269
Jan. 20	Koch pending motion lost. Dworak amendment to Koch motion withdrawn	286
Jan. 28	Notice of hearing	345
Feb. 17	Attorney General's Opinion	529
Mar. 9	Agriculture and Environment Committee priority bill	807
Mar. 10	Placed on General File	821
Mar. 11	Vickers-Dworak-Goll-Sieck-Warner-L. Johnson-Carsten-Clark-Haberman-Koch amendment printed	868
Mar. 16	Beutler amendment (1) to Committee amendment lost	940
Mar. 16	Beutler amendment (2) to Committee amendment lost. Beutler amendment (3) to Committee amendment printed	945
Mar. 16	Koch amendment printed	949
Mar. 17	Beutler pending amendment (3) to Committee amendment lost. Beutler amendment (4) to Committee amendment lost. Committee amendments adopted	964
Mar. 17	Vickers et al pending amendment p. 868 lost. Koch pending amendment p. 949 withdrawn. Advanced for Review	982
Mar. 18	Koch amendment printed	999
Mar. 18	Barrett explanation of vote	1003
Mar. 19	Placed on Select File	1005
Mar. 19	Attorney General's Opinion	1015
Mar. 26	DeCamp amendment printed	1145
Mar. 26	DeCamp-Schmit-Warner amendment printed	1156
Mar. 27	Lamb-Kremer-Kahle amendment printed	1162
Mar. 31	E and R amendments adopted. Beutler amendment lost	1210
Mar. 31	DeCamp pending amendment p. 1145 withdrawn. Schmit withdrew name from pending amendment p. 1156. DeCamp-Warner pending amendment p. 1156 lost. Lamb-Kremer-Kahle pending amendment p. 1162 withdrawn. Schmit-Lamb-Kahle-Kremer	

	amendment adopted. Koch pending amendment p. 999 renewed	1218
Mar. 31	Koch pending amendment p. 999 withdrawn. Advanced for Engrossment	1222
Mar. 31	Labedz explanation of vote	1224
Apr. 1	Correctly Engrossed. E and R changes	1257
May 12	Warner motion to return to Select File lost	1939
May 12	Final Reading	1940
May 12	Warner explanation of vote	1941
May 12	Speaker signed	1962
May 12	Presented to Governor	1977
May 18	Approved by Governor	2090

LEGISLATIVE BILL 245A By Agriculture and Environment Committee

Mar. 11	Read first time. Placed on General File	861
Mar. 17	Advanced for Review	984
Mar. 18	Barrett explanation of vote	1003
Mar. 19	Placed on Select File	1006
Mar. 31	Advanced for Engrossment	1222
Mar. 31	Labedz explanation of vote	1224
Apr. 1	Correctly Engrossed	1257
Apr. 9	Hoagland amendment printed	1387
Apr. 27	Hoagland amendment printed	1592
May 1	Vickers amendment printed	1686
May 12	Hoagland pending amendment p. 1387 withdrawn. Hoagland motion to return to Select File for pending amendment p. 1592 withdrawn. Vickers motion to return to Select File for pending amendment p. 1686 lost	1939
May 12	Final Reading. Warner explanation of vote	1941
May 12	Speaker signed	1962
May 12	Presented to Governor	1977
May 18	Approved by Governor	2090

LEGISLATIVE BILL 246 By Lamb

Jan. 16	Read first time	203
Jan. 19	Referred to Committee on Public Works	258
Jan. 27	Notice of hearing	336
Feb. 17	Placed on General File	526
Feb. 25	Committee amendments adopted. Advanced for Review	669

Feb. 27	Placed on Select File	689
Mar. 4	Advanced for Engrossment	742
Mar. 9	Correctly Engrossed	809
Mar. 12	Final Reading	879
Mar. 13	President signed	899
Mar. 13	Presented to Governor	917
Mar. 17	Approved by Governor	951

LEGISLATIVE BILL 247 By Marvel

Jan. 16	Read first time	205
Jan. 19	Referred to Committee on Government, Military and Veterans Affairs	258
Jan. 26	Notice of hearing	327
Feb. 20	Indefinitely postponed	613

LEGISLATIVE BILL 248 By Wiitala

Jan. 16	Read first time	205
Jan. 19	Referred to Committee on Nebraska Retirement Systems	258
Jan. 30	Notice of hearing	381
Mar. 12	Wiitala priority bill	875
Mar. 19	Placed on General File	1006
Apr. 6	Placed on General File (Corrected Report)	1314
Apr. 13	Committee amendments adopted. Advanced for Review	1442
Apr. 15	Placed on Select File	1475
Apr. 24	Barrett amendment printed	1571
May 4	E and R amendment adopted. Barrett pending amendment adopted. Advanced for Engrossment	1713
May 8	Correctly Engrossed	1843
May 13	Final Reading	1993
May 13	Warner explanation of vote	1995
May 13	President signed	1998
May 13	Presented to Governor	2009
May 18	Approved by Governor	2077

LEGISLATIVE BILL 248A By Fowler

Apr. 16	Read first time. Placed on General File	1525
Apr. 24	Advanced for Review	1575
Apr. 28	Placed on Select File	1600
May 4	Advanced for Engrossment	1713
May 8	Correctly Engrossed	1843

May 13	Final Reading	1994
May 13	Warner explanation of vote	1995
May 13	President signed	1998
May 13	Presented to Governor	2009
May 18	Approved by Governor	2077

LEGISLATIVE BILL 249 By Cullan

Jan. 16	Read first time	205
Jan. 19	Referred to Committee on Public Health and Welfare	258
Feb. 4	Notice of hearing	433
Feb. 19	Notice of hearing (reset)	579
Mar. 13	Public Health and Welfare Committee priority bill	925
Mar. 16	Placed on General File	947
Apr. 7	Hoagland amendment to Committee amendments printed	1344
Apr. 8	Committee amendments adopted. Hoagland pending amendment to Committee amendments withdrawn. Advanced for Review	1362
Apr. 10	Placed on Select File	1391
Apr. 15	E and R amendment adopted. Advanced for Engrossment	1486
Apr. 23	Correctly Engrossed	1529
Apr. 28	Final Reading	1607
Apr. 29	Speaker signed	1622
Apr. 29	Presented to Governor	1629
Apr. 30	Koch explanation of vote	1663
May 4	Approved by Governor	1700

LEGISLATIVE BILL 250 By Labedz

Jan. 16	Read first time	205
Jan. 19	Referred to Committee on Government, Military and Veterans Affairs	258
Jan. 30	Notice of hearing	376
Mar. 17	Placed on General File	960
May 1	Committee amendment adopted. Advanced for Review	1688
May 5	Placed on Select File	1772
May 8	Advanced for Engrossment	1864
May 11	Correctly Engrossed	1900
May 14	Final Reading	2036
May 14	Stoney explanation of vote	2046

May 14	Speaker signed	2051
May 18	Approved by Governor	2072
May 19	Presented to Governor	2094

LEGISLATIVE BILL 251 By Beutler

Jan. 16	Read first time	205
Jan. 19	Referred to Committee on Education	258
Jan. 29	Notice of hearing	356

LEGISLATIVE BILL 252 By Beutler

Jan. 16	Read first time	206
Jan. 19	Referred to Committee on Public Works	258
Jan. 27	Notice of hearing	336
Mar. 12	Beutler priority bill	875
Mar. 25	Placed on General File	1120
Apr. 16	Committee amendments adopted. Goodrich motion to indefinitely postpone lost. Vickers amendment (1) and (2) lost	1518
Apr. 16	Vickers amendments printed	1526
Apr. 23	Vickers pending amendment (1) lost. Vickers pending amendment (2) withdrawn. Lamb-Wagner amendment lost. Advanced for Review	1533
Apr. 23	Vickers amendment printed	1535
Apr. 27	Placed on Select File	1578
May 5	Vickers-Sieck amendment printed	1773
May 6	Lamb-Wagner amendment printed	1801
May 7	E and R amendment adopted. Vickers pending amendment p. 1535 withdrawn. Vickers pending amendment p. 1773 renewed	1837
May 8	Vickers-Sieck pending amendment p. 1773 lost. Lamb-Wagner pending amendment p. 1801 withdrawn. Beutler-Wagner amendment adopted as amended by Kremer. Advanced for Engrossment	1861
May 13	Correctly Engrossed. E and R changes	2002
May 14	Attorney General's Opinion	2015
May 14	Attorney General's Opinion	2018
May 20	Final Reading	2131
May 20	Speaker signed	2139
May 20	Presented to Governor. Warner amendment printed	2144
May 21	Warner motion to request Governor	

	to return bill lost	2195
May 22	Approved by Governor	2226

LEGISLATIVE BILL 253 By DeCamp

Jan. 16	Read first time	206
Jan. 19	Referred to Committee on Agriculture and Environment	258
Jan. 28	Notice of hearing	344
Feb. 26	Placed on General File	676
Mar. 16	DeCamp priority bill	949
Mar. 23	Hoagland amendments printed	1079
Mar. 24	Hoagland amendment printed	1106
Mar. 24	Committee amendments adopted. Hoagland pending amendments p. 1079 lost. Dworak and Vickers amendments lost. DeCamp-Hoagland-Wesely amendment adopted. Cullan motion to indefinitely postpone lost. Failed to advance for Review	1110
Mar. 27	DeCamp amendment printed	1162
Mar. 30	DeCamp amendment printed	1177
Apr. 1	DeCamp pending amendment p. 1162 withdrawn. DeCamp pending amendment p. 1177 adopted. Advanced for Review	1263
Apr. 6	Placed on Select File	1289
Apr. 9	Attorney General's Opinion	1384
Apr. 10	E and R amendments adopted. Hoagland pending amendment p. 1106 withdrawn. DeCamp amendment adopted. Advanced for Engrossment	1408
Apr. 13	Correctly Engrossed. E and R changes	1445
May 12	Final Reading	1959
May 12	Warner explanation of vote	1961
May 12	Speaker signed	1962
May 12	Presented to Governor	1977
May 14	Approved by Governor	2049

LEGISLATIVE BILL 253A By DeCamp

Mar. 25	Read first time. Placed on General File	1131
Apr. 1	DeCamp amendment adopted. Advanced for Review	1264
Apr. 6	Placed on Select File	1289
Apr. 10	Advanced for Engrossment	1409
Apr. 13	Correctly Engrossed	1445
May 12	Final Reading	1961

May 12	Warner explanation of vote. Speaker signed	1962
May 12	Presented to Governor	1977
May 14	Approved by Governor	2049

LEGISLATIVE BILL 254 By Sieck

Jan. 16	Read first time	206
Jan. 20	Referred to Committee on Education	303
Jan. 29	Notice of hearing	356
Mar. 13	Indefinitely postponed	899

LEGISLATIVE BILL 255 By Hefner, Von Minden, Fitzgerald, Wagner, DeCamp, Chronister, Wesely, Fowler

Jan. 16	Read first time	206
Jan. 20	Referred to Committee on Appropriations	303
Jan. 27	Notice of hearing	336
Apr. 30	Placed on General File	1669

LEGISLATIVE BILL 256 By Higgins

Jan. 16	Read first time	207
Jan. 20	Referred to Committee on Revenue	303
Jan. 26	Attorney General's Opinion	324
Feb. 3	Notice of hearing	404
Mar. 26	Indefinitely postponed	1152

LEGISLATIVE BILL 257 By Wesely, Fowler, DeCamp

Jan. 16	Read first time	207
Jan. 20	Referred to Committee on Banking, Commerce and Insurance	303
Feb. 3	Notice of hearing	412
Feb. 19	Notice of hearing (continued)	566
Mar. 9	Attorney General's Opinion	799
Mar. 12	Banking, Commerce and Insurance Committee priority bill	876
Mar. 17	Placed on General File	966
Apr. 8	Committee amendments adopted. DeCamp-Fowler-Wesely amendment lost	1357
Apr. 8	Warner amendment adopted as amended by Warner amendment. Advanced for Review	1361
Apr. 10	Placed on Select File	1391
Apr. 24	E and R amendments adopted. DeCamp amendment adopted as amended by Maresh.	

	Advanced for Engrossment	1568
Apr. 30	Correctly Engrossed. E and R change	1646
May 4	Remmers amendment printed	1726
May 5	Returned to Select File for Remmers amendment. Remmers pending amendment lost. Re-advanced to Final Reading	1744
May 5	Returned to Select File for Koch amendment. Koch amendment adopted. Advanced for Re-Engrossment	1747
May 7	Dworak explanation of vote	1824
May 11	Correctly Re-Engrossed	1900
May 11	E and R changes	1902
May 21	Final Reading	2174
May 21	Speaker signed	2189
May 21	Presented to Governor	2195
May 22	Approved by Governor	2243

LEGISLATIVE BILL 257A By Fowler

May 8	Read first time. Placed on General File	1895
May 11	Advanced for Review	1907
May 11	Placed on Select File	1927
May 14	Advanced for Engrossment	2053
May 18	Correctly Engrossed	2060
May 21	Final Reading	2174
May 21	Speaker signed	2189
May 21	Presented to Governor	2195
May 22	Approved by Governor	2243

LEGISLATIVE BILL 258 By Miscellanous Subjects Committee

Jan. 16	Read first time	207
Jan. 20	Referred to Committee on Miscellaneous Subjects	303
Feb. 4	Notice of hearing	428
Mar. 9	Placed on General File	809
Mar. 16	Marvel priority bill	949
Mar. 30	Committee amendments adopted. Vickers motion prevailed. Indefinitely postponed	1193
Mar. 31	Pirsch-DeCamp motion to reconsider laid over	1203
Apr. 8	Pirsch-DeCamp pending motion lost	1350

LEGISLATIVE BILL 258A By Hefner

Mar. 11	Read first time. Placed on General File	870
Mar. 23	Hefner motion to withdraw laid over	1067

LEGISLATIVE BILL 259 By Newell, Wesely

Jan. 16	Read first time	207
Jan. 20	Referred to Committee on Education	303
Jan. 27	Notice of hearing	336

LEGISLATIVE BILL 260 By Public Health and Welfare Committee

Jan. 16	Read first time	208
Jan. 20	Referred to Committee on Public Health and Welfare	303
Jan. 27	Notice of hearing	334
Feb. 9	Placed on General File	467
Feb. 17	Committee amendments adopted. Advanced for Review	552
Feb. 19	Placed on Select File	566
Feb. 23	E and R amendment adopted. Advanced for Engrossment	631
Feb. 25	Correctly Engrossed	661
Mar. 2	Final Reading	714
Mar. 3	President signed	723
Mar. 3	Presented to Governor	732
Mar. 6	Approved by Governor	772

LEGISLATIVE BILL 261 By Public Health and Welfare Committee

Jan. 16	Read first time	208
Jan. 20	Referred to Committee on Public Health and Welfare	303
Jan. 27	Notice of hearing	334
Mar. 12	Placed on General File	888
Apr. 1	Wesely amendment printed	1245

LEGISLATIVE BILL 262 By Public Health and Welfare Committee

Jan. 16	Read first time	208
Jan. 20	Referred to Committee on Public Health and Welfare	303
Jan. 27	Notice of hearing	334
Feb. 26	Indefinitely postponed	676

LEGISLATIVE BILL 263 By Public Health and Welfare Committee

Jan. 16	Read first time	208
Jan. 20	Referred to Committee on Public Health and Welfare	303
Jan. 27	Notice of hearing	334
Mar. 30	Placed on General File	1191

LEGISLATIVE BILL 264 By Public Health and Welfare Committee

Jan. 16	Read first time	209
Jan. 20	Referred to Committee on Public Health and Welfare	303
Jan. 27	Notice of hearing	334
Mar. 3	Placed on General File	730

LEGISLATIVE BILL 265 By Wiitala

Jan. 16	Read first time	209
Jan. 20	Referred to Committee on Urban Affairs	303
Feb. 3	Notice of hearing	411
Mar. 13	Indefinitely postponed	919

LEGISLATIVE BILL 266 By Wesely

Jan. 16	Read first time	214
Jan. 20	Referred to Committee on Administrative Rules and Regulations Review	303
Feb. 2	Notice of hearing	386
Mar. 9	Attorney General's Opinion	796
Mar. 16	Administrative Rules and Regulations Review Committee priority bill	949
Mar. 24	Placed on General File	1089
Apr. 15	Vickers amendment printed	1495
Apr. 15	Wesely amendment to Committee amendment printed	1497
Apr. 15	Vickers name added	1502
Apr. 16	Committee amendments adopted as amended by Wesely pending amendment. Vickers pending amendment p. 1495 adopted. Advanced for Review	1514
Apr. 23	Placed on Select File	1529
May 7	E and R amendment adopted. Wesely amendment adopted. Advanced for Engrossment	1835
May 11	Correctly Engrossed	1900
May 14	Final Reading	2037

May 14	Speaker signed	2051
May 18	Approved by Governor	2075
May 19	Presented to Governor	2094

LEGISLATIVE BILL 266A By Wesely

Mar. 31	Read first time. Placed on General File	1220
Apr. 16	Advanced for Review	1514
Apr. 23	Placed on Select File	1529
May 7	Advanced for Engrossment	1835
May 11	Correctly Engrossed	1900
May 14	Final Reading	2038
May 14	Speaker signed	2051
May 18	Approved by Governor	2075
May 19	Presented to Governor	2094

LEGISLATIVE BILL 267 By R. Peterson

Jan. 16	Read first time	214
Jan. 20	Referrred to Committee on Public Health and Welfare	303
Feb. 4	Notice of hearing	432
Mar. 16	Placed on General File	935

LEGISLATIVE BILL 268 By Chambers

Jan. 16	Read first time	214
Jan. 20	Referred to Committee on Public Health and Welfare	303
Feb. 4	Notice of hearing	432
Mar. 9	Indefinitely postponed	808

LEGISLATIVE BILL 269 By Hefner, R. Peterson

Jan. 16	Read first time	214
Jan. 20	Referred to Committee on Public Health and Welfare	303
Feb. 4	Notice of hearing	433
Feb. 18	DeCamp name added. R. Peterson priority bill	557
Mar. 3	Notice of hearing (reset)	722
Mar. 6	Von Minden name added	773
Mar. 10	Chronister name added	832

LEGISLATIVE BILL 270 By Burrows

Jan. 16	Read first time	215
Jan. 20	Referred to Committee on Public Health and Welfare	303
Feb. 4	Notice of hearing	432
Mar. 31	Placed on General File	1214

LEGISLATIVE BILL 271 By DeCamp

Jan. 16	Read first time	215
Jan. 20	Referred to Committee on Banking, Commerce and Insurance	303
Feb. 3	Notice of hearing	411
Mar. 9	Placed on General File	809
Mar. 16	Marvel priority bill	949
Apr. 1	Committee amendment adopted. V. Johnson amendment adopted. Advanced for Review	1264
Apr. 6	Placed on Select File	1289
Apr. 9	E and R amendment adopted. Advanced for Engrossment	1389
Apr. 10	Correctly Engrossed	1410
Apr. 15	Final Reading	1480
Apr. 16	President signed	1503
Apr. 16	Presented to Governor	1513
Apr. 16	Approved by Governor	1520

LEGISLATIVE BILL 272 By Banking, Commerce and Insurance Committee

Jan. 16	Read first time	215
Jan. 20	Referred to Committee on Banking, Commerce and Insurance	303
Feb. 3	Notice of hearing	411
Feb. 12	Placed on General File	512
Feb. 25	Committee amendments adopted. Advanced for Review	668
Feb. 27	Placed on Select File	688
Mar. 3	Advanced for Engrossment	734
Mar. 6	Correctly Engrossed	771
Mar. 11	Final Reading	853
Mar. 12	Speaker signed	872
Mar. 12	Presented to Governor	887
Mar. 17	Approved by Governor	951

LEGISLATIVE BILL 273 By Banking, Commerce and Insurance Committee

Jan. 16	Read first time	215
Jan. 20	Referred to Committee on Banking, Commerce and Insurance	303
Jan. 26	Notice of hearing	326
Feb. 12	Placed on General File	513
Feb. 25	Committee amendments adopted. Advanced for Review	669
Feb. 27	Placed on Select File	688
Mar. 3	E and R amendments adopted. Advanced for Engrossment	734
Mar. 6	Correctly Engrossed	771
Mar. 11	DeCamp amendment printed	856
Mar. 13	DeCamp amendment printed	913
Mar. 18	Chambers amendment printed	999
May 11	DeCamp pending amendment p. 856 withdrawn. Returned to Select File for DeCamp pending amendment p. 913	1919
May 11	DeCamp pending amendment p. 913 adopted. Advanced for Re-Engrossment. Returned to Select File for DeCamp amendment. DeCamp amendment adopted. Advanced for Re-Engrossment	1920
May 12	Correctly Re-Engrossed	1974
May 13	Returned to Select File for Chambers amendment	1986
May 13	Chambers amendment adopted. Advanced for Re-Engrossment	1987
May 13	Chambers pending amendment p. 999 withdrawn	2010
May 14	Correctly Re-Engrossed. E and R changes	2030
May 21	Returned to Select File for Vickers amendment	2167
May 21	Vickers pending amendment adopted. Advanced for Re-Engrossment	2168
May 21	Higgins motion to return to Select File lost	2169
May 21	Wesely motion to reconsider Vickers amendment prevailed. Returned to Select File for Wesely amendment. Wesely amendment adopted	2170
May 21	Re-advanced to Final Reading. Final Reading	2171
May 21	Speaker signed	2189

May 21 Presented to Governor........................2195
May 22 Approved by Governor........................2226

LEGISLATIVE BILL 273A By DeCamp

Feb. 17 Read first time. Placed on General File.........545
Feb. 25 Advanced for Review...........................669
Feb. 27 Placed on Select File..........................689
Mar. 3 Advanced for Engrossment......................734
Mar. 6 Correctly Engrossed............................771
May 11 Returned to Select File for
Warner amendment........................1920
May 11 Warner amendment adopted.
Advanced for Re-Engrossment..............1921
May 12 Correctly Re-Engrossed.........................1974
May 12 E and R changes...............................1975
May 21 Final Reading.................................2172
May 21 Speaker signed................................2189
May 21 Presented to Governor.........................2195
May 22 Approved by Governor..........................2226

LEGISLATIVE BILL 274 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time...............................216
Jan. 20 Referred to Committee on Banking,
Commerce and Insurance....................303
Jan. 26 Notice of hearing.............................326
Feb. 26 Placed on General File........................673

LEGISLATIVE BILL 274A By DeCamp

Mar. 3 Read first time. Placed on General File...........722

LEGISLATIVE BILL 275 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time...............................216
Jan. 20 Referred to Committee on Banking,
Commerce and Insurance....................303
Jan. 26 Notice of hearing.............................326
Feb. 11 Placed on General File........................505
Feb. 24 Advanced for Review...........................646
Feb. 26 Placed on Select File..........................672
Mar. 2 Advanced for Engrossment......................717
Mar. 3 Correctly Engrossed............................732

Mar. 10 Final Reading 826
Mar. 11 Speaker signed 848
Mar. 11 Presented to Governor 856
Mar. 11 Koch explanation of vote 857
Mar. 17 Approved by Governor 951
Mar. 17 Higgins explanation of vote 966

LEGISLATIVE BILL 276 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time...............................216
Jan. 20 Referred to Committee on Banking,
Commerce and Insurance...................303
Feb. 3 Notice of hearing.............................412
Mar. 11 Indefinitely postponed........................844

LEGISLATIVE BILL 277 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time...............................217
Jan. 20 Referred to Committee on Banking,
Commerce and Insurance...................303
Feb. 3 Notice of hearing.............................412
Mar. 6 Indefinitely postponed........................771

LEGISLATIVE BILL 278 By Goodrich

Jan. 16 Read first time...............................217
Jan. 20 Hefner and H. Peterson names added...........298
Jan. 20 Referred to Committee on Revenue 303
Feb. 5 Notice of hearing.............................448
Feb. 17 Notice of hearing (reset) 546
Mar. 27 Placed on General File........................1163

LEGISLATIVE BILL 279 By Chronister

Jan. 16 Read first time...............................217
Jan. 20 Referred to Committee on Business and Labor...303
Jan. 30 Notice of hearing.............................382
Feb. 18 Placed on General File........................559
Feb. 27 Advanced for Review 698
Mar. 3 Placed on Select File 730
Mar. 5 Advanced for Engrossment 759
Mar. 9 Correctly Engrossed...........................809
Mar. 12 Final Reading 880
Mar. 13 President signed 899

Mar. 13	Presented to Governor	917
Mar. 17	Approved by Governor	951
Mar. 17	Higgins explanation of vote	966

LEGISLATIVE BILL 280 By Wesely

Jan. 16	Read first time	217
Jan. 20	Referred to Committee on Government, Military and Veterans Affairs	303
Jan. 30	Notice of hearing	376
Mar. 23	Placed on General File	1060
Mar. 27	Advanced for Review	1166
Mar. 31	Placed on Select File	1203
Apr. 6	Advanced for Engrossment	1300
Apr. 7	Correctly Engrossed	1337
Apr. 13	Final Reading	1429
Apr. 14	President signed	1450
Apr. 14	Presented to Governor	1458
Apr. 15	Approved by Governor	1502

LEGISLATIVE BILL 281 By Chambers

Jan. 16	Read first time	217
Jan. 20	Referred to Committee on Government, Military and Veterans Affairs	303
Jan. 30	Notice of hearing	376
Mar. 12	Placed on General File	896

LEGISLATIVE BILL 282 By Chambers

Jan. 16	Read first time	217
Jan. 20	Referred to Committee on Government, Military and Veterans Affairs	303
Jan. 30	Notice of hearing	376
Mar. 12	Indefinitely postponed	875

LEGISLATIVE BILL 283 By Vickers

Jan. 16	Read first time	218
Jan. 20	Referred to Committee on Agriculture and Environment	303
Jan. 28	Notice of hearing	344
Feb. 27	Placed on General File	693
Mar. 27	Committee amendments adopted. Advanced for Review	1168
Mar. 31	Placed on Select File	1203

Apr. 6 E and R amendment adopted. Advanced for Engrossment 1301
Apr. 7 Correctly Engrossed 1343
Apr. 13 Returned to Select File for Vickers amendment. Vickers amendment adopted. Advanced for Re-Engrossment 1430
Apr. 14 Correctly Re-Engrossed 1458
Apr. 23 Final Reading 1531
Apr. 24 Speaker signed 1551
Apr. 24 Presented to Governor 1569
Apr. 27 Approved by Governor 1594

LEGISLATIVE BILL 284 By DeCamp

Jan. 19 Read first time 223
Jan. 20 Referred to Committee on Revenue 303
Jan. 28 Notice of hearing 344
Jan. 29 Attorney General's Opinion 362
Mar. 5 Placed on General File 766
Mar. 9 DeCamp amendment printed 811
Mar. 16 Marvel priority bill 949
Mar. 19 Schmit amendment printed 1026
Mar. 24 DeCamp amendment printed 1116
Mar. 25 Koch amendment printed 1133
Mar. 25 Schmit amendment printed 1134
Mar. 25 Fowler-Newell-Wiitala-V. Johnson-Beutler-DeCamp amendment printed. DeCamp amendment to Committee amendment printed 1137
Mar. 26 DeCamp amendment printed. DeCamp explanation printed 1152
Mar. 27 All Schmit-DeCamp pending amendments withdrawn. Schmit and DeCamp withdrew their names from all other pending amendments. Newell amendment printed 1175
Mar. 30 Vickers amendment printed 1198
Mar. 31 Committee amendment (1) and (2) adopted. V. Johnson et al pending amendment p. 1137 withdrawn. Koch pending amendment p. 1133 withdrawn. Newell pending amendment p. 1175 withdrawn. Vickers pending amendment p. 1198 withdrawn. Schmit amendment adopted. Advanced for Review 1222
Apr. 1 Attorney General's Opinion 1247
Apr. 2 Placed on Select File 1268

Apr. 7	DeCamp motion pending	1328
Apr. 7	DeCamp amendment printed	1331
Apr. 7	DeCamp amendment printed	1340
Apr. 9	E and R amendment adopted. DeCamp pending amendment p. 1331 withdrawn. DeCamp pending amendment p. 1340 renewed	1377
Apr. 9	DeCamp pending amendment p. 1340 adopted. Schmit-H. Peterson-Lamb-Kahle-Maresh-Kremer-Hefner-Goll amendment lost. Kahle amendment lost. DeCamp-Carsten amendment to Kahle amendment lost. Lamb amendment adopted. Wagner-Koch amendment lost. Wesely motion to reconsider lost. Advanced for Engrossment	1378
Apr. 10	Barrett explanation of vote	1392
Apr. 13	Correctly Engrossed. E and R changes	1445
Apr. 15	Attorney General's Opinion	1499
Apr. 16	Schmit motion to overrule agenda withdrawn	1515
Apr. 16	Newell amendment printed	1522
Apr. 23	DeCamp-L. Johnson-Lamb-H. Peterson-R. Peterson-Maresh-Rumery-Goll-Koch Barrett-Von Minden-Remmers-Nichol Chronister-Schmit-Clark-Kahle-Kremer amendment printed	1548
Apr. 24	Haberman and Wagner names added to pending DeCamp et al amendment p. 1548	1552
Apr. 24	Newell amendment printed. Newell explanation printed	1576
Apr. 24	Cope-Sieck-Higgins names added to pending DeCamp et al amendment p. 1548	1577
Apr. 27	Hefner name added to pending DeCamp et al amendment p. 1548	1578
Apr. 27	Newell pending amendment p. 1522 withdrawn. Newell motion to return to Select File for pending amendment p. 1576 lost. DeCamp et al pending amendment p. 1548 withdrawn	1584
Apr. 27	Returned to Select File for DeCamp amendment	1585
Apr. 27	DeCamp amendment pending	1591
Apr. 27	DeCamp pending amendment p. 1585 adopted. Advanced for Re-Engrossment	1593
Apr. 30	Correctly Re-Engrossed	1646
Apr. 30	E and R change	1647
Apr. 30	Koch amendment printed	1652

May 1 Attorney General's Opinion 1675
May 5 Newell motion to return to Select File
for pending amendment p. 1522 withdrawn.
Koch pending amendment p. 1652
withdrawn. Final Reading 1749
May 5 Speaker signed 1751
May 5 Presented to Governor 1758
May 6 Approved by Governor 1807
May 7 Dworak explanation of vote 1824
May 18 Attorney General's Opinion 2060

LEGISLATIVE BILL 284A By DeCamp

Mar. 12 Read first time. Placed on General File 887
Mar. 31 Advanced for Review 1224
Apr. 2 Placed on Select File 1269
Apr. 7 DeCamp motion pending.......................1328
Apr. 9 Carsten amendment adopted.
Advanced for Engrossment 1389
Apr. 13 Correctly Engrossed.............................1445
Apr. 28 Carsten amendment printed...................1608
Apr. 30 Returned to Select File for Carsten
amendment. Carsten pending amendment
adopted. Advanced for Re-Engrossment 1658
May 1 Correctly Re-Engrossed........................1675
May 5 Marvel motion suspend rules prevailed 1742
May 5 Final Reading 1750
May 5 Speaker signed 1751
May 5 Presented to Governor 1758
May 6 Approved by Governor 1807
May 7 Dworak explanation of vote 1824

LEGISLATIVE BILL 285 By Clark

Jan. 19 Read first time................................223
Jan. 20 Referred to Committee on Public Works 303
Jan. 27 Notice of hearing...............................336
Mar. 18 Placed on General File..........................992
May 1 Committee amendments adopted.
Advanced for Review 1689
May 5 Lamb amendment printed 1769
May 5 Placed on Select File 1773
May 26 E and R amendment adopted. Lamb pending
amendment adopted. Fowler, Warner, Remmers,
Cullan amendments adopted.
Advanced for Engrossment 2285

May 27	Correctly Engrossed. E and R changes	2350
May 29	Final Reading	2394
May 29	President signed	2409
May 29	Presented to Governor	2421
June 4	Approved by Governor	2436

LEGISLATIVE BILL 286 By H. Peterson

Jan. 19	Read first time	223
Jan. 20	Referred to Committee on Judiciary	303
Feb. 3	Notice of hearing	401
May 6	Indefinitely postponed	1796

LEGISLATIVE BILL 287 By Rumery

Jan. 19	Read first time	223
Jan. 20	Referred to Committee on Nebraska Retirement Systems	303
Jan. 30	Notice of hearing	382

LEGISLATIVE BILL 288 By Rumery

Jan. 19	Read first time	224
Jan. 20	Referred to Committee on Nebraska Retirement Systems	303
Jan. 28	Notice of hearing	345
Feb. 11	Placed on General File	503
Feb. 24	Committee amendments adopted. Advanced for Review	646
Feb. 26	Placed on Select File	672
Mar. 2	E and R amendment adopted. Advanced for Engrossment	717
Mar. 3	Correctly Engrossed	732
Mar. 10	Final Reading	826
Mar. 11	Speaker signed	848
Mar. 11	Presented to Governor	856
Mar. 11	Koch explanation of vote	857
Mar. 17	Approved by Governor	951

LEGISLATIVE BILL 289 By Kahle

Jan. 19	Read first time	224
Jan. 20	Referred to Committee on Judiciary	303
Feb. 3	Notice of hearing	401
May 6	Indefinitely postponed	1796

LEGISLATIVE BILL 290 By Clark

Jan. 19	Read first time	224
Jan. 20	Referred to Committee on Public Works	303
Jan. 27	Notice of hearing	336
Feb. 23	Attorney General's Opinion	635
Feb. 27	Clark priority bill	699
Mar. 3	Placed on General File	721
Mar. 12	DeCamp amendment to Committee amendment withdrawn. Committee amendments adopted. DeCamp amendment lost. Advanced for Review	885
Mar. 16	Placed on Select File	927
Mar. 19	E and R amendments adopted. DeCamp amendment (1) adopted. DeCamp amendment (2) lost as amended by Koch. Haberman amendment to DeCamp amendment (2) lost	1025
Mar. 19	Haberman amendment lost. Koch motion to indefinitely postpone pending. Landis motion lost	1042
Mar. 19	Clark memorandum printed	1043
Mar. 19	Koch amendment printed	1048
Mar. 25	Koch amendment printed	1129
Mar. 26	Koch pending motion p. 1042 lost. Clark amendment adopted. Koch pending amendment p. 1048 withdrawn. Warner and Haberman amendments adopted. Maresh motion lost. Advanced for Engrossment	1142
Mar. 31	Correctly Engrossed. E and R changes	1220
Apr. 6	Returned to Select File for Maresh amendment. Maresh amendment adopted. Advanced for Re-Engrossment	1292
Apr. 6	Chambers amendment printed	1305
Apr. 7	Correctly Re-Engrossed	1337
Apr. 7	E and R changes	1344
Apr. 30	Koch motion to return to Select File lost	1658
Apr. 30	Final Reading	1659
May 1	President signed	1677
May 4	Presented to Governor. Approved by Governor	1700

LEGISLATIVE BILL 291 By Von Minden

Jan. 19	Read first time	224
Jan. 20	Referred to Committee on Agriculture and Environment	303
Jan. 28	Notice of hearing	344
Feb. 26	Placed on General File	676
Mar. 12	Von Minden priority bill	875
Mar. 25	Committee amendment adopted. Advanced for Review	1130
Mar. 27	Placed on Select File	1158
Mar. 30	Advanced for Engrossment	1184
Mar. 31	Correctly Engrossed	1220
Apr. 6	Final Reading	1292
Apr. 7	Speaker signed	1323
Apr. 7	Presented to Governor	1337
Apr. 8	Approved by Governor	1358

LEGISLATIVE BILL 292 By Maresh, DeCamp

Jan. 19	Read first time	224
Jan. 20	Referred to Committee on Government, Military and Veterans Affairs	303
Jan. 30	Notice of hearing	376
Mar. 11	Placed on General File	841
Mar. 11	Government, Military and Veterans Affairs Committee priority bill	860
Mar. 26	Kilgarin name added	1155
Mar. 30	Committee amendment adopted. Advanced for Review	1196
Apr. 1	Placed on Select File	1238
Apr. 7	E and R amendments adopted as amended by Kilgarin. Maresh amendment adopted. Advanced for Engrossment	1327
Apr. 9	Correctly Engrossed	1376
May 12	Final Reading	1951
May 12	Warner explanation of vote	1953
May 12	Speaker signed	1962
May 12	Presented to Governor	1977
May 18	Approved by Governor	2090

LEGISLATIVE BILL 292A By Maresh

Mar. 16	Read first time. Placed on General File	948
Mar. 30	Advanced for Review	1196
Apr. 1	Placed on Select File	1238
Apr. 7	DeCamp amendment adopted. Advanced for Engrossment	1327

Apr. 9	Correctly Engrossed	1376
May 12	Final Reading	1952
May 12	Warner explanation of vote	1953
May 12	Speaker signed	1962
May 12	Presented to Governor	1977
May 18	Approved by Governor	2090

LEGISLATIVE BILL 293 By DeCamp

Jan. 19	Read first time	224
Jan. 20	Referred to Committee on Public Health and Welfare	303
Jan. 30	Notice of hearing	379
Apr. 2	Indefinitely postponed	1282

LEGISLATIVE BILL 294 By Nichol

Jan. 19	Read first time	225
Jan. 20	Referred to Committee on Government, Military and Veterans Affairs	303
Jan. 26	Notice of hearing	327
Feb. 20	Indefinitely postponed	613

LEGISLATIVE BILL 295 By Nichol

Jan. 19	Read first time	225
Jan. 20	Referred to Committee on Public Health and Welfare	303
Jan. 30	Notice of hearing	378
Feb. 26	Indefinitely postponed	676

LEGISLATIVE BILL 296 By Cope

Jan. 19	Read first time	225
Jan. 20	Referred to Committee on Public Health and Welfare	303
Jan. 27	Notice of hearing	334
Mar. 13	Cope priority bill	924
Mar. 16	Placed on General File	935
Apr. 7	Committee amendments adopted. Vickers amendment to Committee amendments lost. Advanced for Review	1335
Apr. 9	Placed on Select File	1364
Apr. 10	Cullan amendment printed	1416
Apr. 10	Cullan amendment printed	1419
Apr. 14	Cope amendment printed	1463

Apr. 24	E and R amendments adopted. Cullan pending amendments pp. 1416 and 1419 adopted. Cope pending amendment p. 1463 adopted. Advanced for Engrossment	1567
Apr. 29	Correctly Engrossed	1621
May 14	Final Reading	2039
May 14	Speaker signed	2051
May 18	Approved by Governor	2075
May 19	Presented to Governor	2094

LEGISLATIVE BILL 296A By Cope

Apr. 13	Read first time. Placed on General File	1437
Apr. 24	Advanced for Review	1573
Apr. 28	Placed on Select File	1599
May 8	Advanced for Engrossment	1863
May 11	Correctly Engrossed	1900
May 14	Final Reading	2040
May 14	Speaker signed	2051
May 18	Approved by Governor	2075
May 19	Presented to Governor	2094

LEGISLATIVE BILL 297 By Burrows

Jan. 19	Read first time	225
Jan. 20	Referred to Committee on Government, Military and Veterans Affairs	303
Jan. 30	Notice of hearing	376
Mar. 9	Indefinitely postponed	809

LEGISLATIVE BILL 298 By V. Johnson

Jan. 19	Read first time	226
Jan. 20	Referred to Committee on Urban Affairs	303
Feb. 3	Notice of hearing	410
Feb. 24	Placed on General File	642
Mar. 9	Landis amendment printed	807
Mar. 16	Marvel priority bill	949
Mar. 25	Committee amendments adopted. V. Johnson amendment lost. Landis pending amendment withdrawn. Failed to advance for Review	1128
Apr. 1	V. Johnson amendment adopted. Advanced for Review	1259
Apr. 2	Koch amendment printed	1279
Apr. 6	Placed on Select File	1288
Apr. 10	Sieck amendment printed	1392

Apr. 10	Koch amendment printed	1415
Apr. 14	Sieck amendment printed	1450
Apr. 15	E and R amendment adopted. Koch pending amendment p. 1279 withdrawn. Koch pending amendment p. 1415 adopted. Sieck pending amendment p. 1392 withdrawn. Sieck pending amendment p. 1450 adopted. Landis amendment adopted. Advanced for Engrossment	1482
Apr. 16	Correctly Engrossed. E and R changes	1524
Apr. 27	Final Reading	1581
Apr. 28	Speaker signed	1600
Apr. 28	Presented to Governor	1609
May 4	Approved by Governor	1700

LEGISLATIVE BILL 299 By V. Johnson

Jan. 19	Read first time	226
Jan. 20	Referred to Committee on Revenue	303
Feb. 5	Notice of hearing	447
Mar. 24	Indefinitely postponed	1089

LEGISLATIVE BILL 300 By Fowler

Jan. 19	Read first time	226
Jan. 20	Referred to Committee on Revenue	303
Feb. 5	Notice of hearing	447

LEGISLATIVE BILL 301 By Chronister

Jan. 19	Read first time	226
Jan. 20	Referred to Committee on Government, Military and Veterans Affairs	303
Jan. 26	Notice of hearing	327

LEGISLATIVE BILL 302 By Wesely

Jan. 19	Read first time	226
Jan. 20	Referred to Committee on Public Works	303
Jan. 28	Notice of hearing	345
Jan. 30	Notice of hearing (reset)	375
Mar. 17	Placed on General File	960
May 1	Committee amendments adopted. Advanced for Review	1688
May 5	Placed on Select File	1772
May 8	Wagner amendment printed	1876

May 11	Wagner amendment printed	1908
May 13	Wagner amendment printed	2009
May 26	E and R amendments adopted. Wagner pending amendments pp. 1876 and 1908 withdrawn. Wagner pending amendment p. 2009 adopted. Advanced for Engrossment	2285
May 27	Correctly Engrossed	2316
May 27	E and R changes	2317
May 29	Final Reading	2395
May 29	President signed	2409
May 29	Presented to Governor	2421
June 4	Approved by Governor	2434

LEGISLATIVE BILL 303 By Beutler

Jan. 19	Read first time	226
Jan. 20	Referred to Committee on Education	303
Jan. 29	Notice of hearing	357
Mar. 23	Placed on General File	1060
May 1	Committee amendments adopted. Advanced for Review	1691
May 7	Placed on Select File	1815
May 8	E and R amendment adopted. Advanced for Engrossment	1865
May 12	Correctly Engrossed	1974
May 12	E and R changes	1975
May 19	Final Reading	2099
May 19	Koch explanation of vote	2109
May 19	Speaker signed	2112
May 19	Presented to Governor	2116
May 22	Approved by Governor	2226

LEGISLATIVE BILL 304 By Beutler

Jan. 19	Read first time	227
Jan. 20	Referred to Committee on Revenue	303
Feb. 5	Notice of hearing	447
Feb. 17	Notice of hearing (cancelled)	545
Feb. 17	Notice of hearing (reset)	546
Mar. 24	Placed on General File	1086

LEGISLATIVE BILL 305 By Beutler

Jan. 19	Read first time	227
Jan. 20	Referred to Committee on Education	303
Jan. 29	Notice of hearing	356

Feb. 2	Notice of hearing (reset)	386
Mar. 19	Placed on General File	1040

LEGISLATIVE BILL 306 By Higgins

Jan. 19	Read first time	227
Jan. 20	Referred to Committee on Revenue	303
Feb. 5	Notice of hearing	447
Mar. 19	Indefinitely postponed	1042

LEGISLATIVE BILL 307 By Higgins

Jan. 19	Read first time	227
Jan. 20	Referred to Committee on Urban Affairs	303
Feb. 3	Notice of hearing	410
Feb. 26	Indefinitely postponed	679

LEGISLATIVE BILL 308 By Fenger

Jan. 19	Read first time	227
Jan. 20	Referred to Committee on Education	303
Jan. 29	Notice of hearing	356
Mar. 5	Attorney General's Opinion	750
Mar. 12	Fenger priority bill	375
Apr. 1	Indefinitely postponed	1235

LEGISLATIVE BILL 309 By Wiitala

Jan. 19	Read first time	228
Jan. 20	Referred to Committee on Education	303
Jan. 29	Notice of hearing	356
Mar. 13	Placed on General File	899

LEGISLATIVE BILL 310 By Kremer

Jan. 19	Read first time	228
Jan. 26	Referred to Committee on Government, Military and Veterans Affairs	320
Feb. 5	Notice of hearing	448
Mar. 16	Placed on General File	929
May 1	Committee amendment adopted. Advanced for Review	1687
May 5	Placed on Select File	1772
May 8	E and R amendments adopted. Advanced for Engrossment	1863
May 11	Correctly Engrossed	1900
May 14	Final Reading	2040

May 14	Speaker signed	2051
May 18	Approved by Governor	2075
May 19	Presented to Governor	2094

LEGISLATIVE BILL 311 By Stoney

Jan. 19	Read first time	244
Jan. 26	Referred to Committee on Urban Affairs	320
Feb. 3	Notice of hearing	410
Feb. 26	Placed on General File	679
Mar. 12	Stoney priority bill	875
Mar. 18	Koch amendment printed	997
Mar. 25	Koch pending amendment withdrawn. Advanced for Review	1131
Mar. 27	Placed on Select File	1158
Mar. 30	Advanced for Engrossment	1184
Mar. 31	Correctly Engrossed	1220
Apr. 6	Final Reading	1293
Apr. 7	Speaker signed	1323
Apr. 7	Presented to Governor	1337
Apr. 7	Higgins explanation of vote	1340
Apr. 7	Approved by Governor	1343

LEGISLATIVE BILL 312 By Stoney

Jan. 19	Read first time	245
Jan. 26	Referred to Committee on Urban Affairs	320
Jan. 30	Stoney motion to withdraw laid over	380
Feb. 2	Stoney pending motion prevailed. Withdrawn	386

LEGISLATIVE BILL 313 By Stoney

Jan. 19	Read first time	245
Jan. 26	Referred to Committee on Education	320
Jan. 29	Notice of hearing	356
Feb. 19	Placed on General File	578
Mar. 11	Advanced for Review	867
Mar. 13	Placed on Select File	898
Mar. 19	Advanced for Engrossment	1024
Mar. 23	Correctly Engrossed	1051
Mar. 31	Final Reading	1208
Apr. 1	Speaker signed	1235
Apr. 1	Presented to Governor	1257
Apr. 6	Approved by Governor	1290

LEGISLATIVE BILL 314 By Higgins

Jan. 19	Read first time	245
Jan. 26	Referred to Committee on Public Health and Welfare	320
Feb. 4	Notice of hearing	432
May 27	Placed on General File	2324

LEGISLATIVE BILL 315 By Higgins

Jan. 19	Read first time	245
Jan. 26	Referred to Committee on Government, Military and Veterans Affairs	320
Feb. 5	Notice of hearing	448
Mar. 12	Indefinitely postponed	875

LEGISLATIVE BILL 316 By Education Committee

Jan. 19	Read first time	245
Jan. 26	Referred to Committee on Education	320
Jan. 29	Notice of hearing	356
Feb. 9	Notice of hearing (reset)	476
Mar. 10	Placed on General File	1040
May 1	Committee amendments adopted. Advanced for Review	1690
May 7	Placed on Select File	1811
May 8	E and R amendments adopted. Advanced for Engrossment	1864
May 11	Correctly Engrossed	1931
May 14	Returned to Select File for Koch amendment. Koch amendment adopted. Advanced for Re-Engrossment	2041
May 19	Correctly Re-Engrossed	2112
May 22	Final Reading	2210
May 22	Marsh explanation of vote	2217
May 22	Speaker signed	2223
May 22	Presented to Governor	2225
May 26	Approved by Governor	2253

LEGISLATIVE BILL 317 By Education Committee

Jan. 19	Read first time	246
Jan. 26	Referred to Committee on Education	320
Jan. 27	Notice of hearing	337
Mar. 6	Placed on General File	769
Mar. 12	Education Committee priority bill	894

Mar. 23	Lamb amendment printed	1079
Mar. 27	Lamb amendment printed	1174
Mar. 30	Committee amendments adopted. Lamb pending amendments pp. 1079 and 1174 withdrawn. Advanced for Review	1190
Apr. 1	Placed on Select File	1237
Apr. 7	E and R amendments adopted. Koch amendment adopted. Advanced for Engrossment	1327
Apr. 9	Correctly Engrossed. E and R changes	1376
May 12	Final Reading	1953
May 12	Warner explanation of vote	1955
May 12	Speaker signed	1962
May 12	Presented to Governor	1977
May 18	Returned by Governor without approval	2083
May 20	Motion to override Governor's veto laid over	2144
May 21	Pending motion to override Governor's veto lost	2192

LEGISLATIVE BILL 317A By Koch

Mar. 30	Read first time. Placed on General File	1189
Apr. 1	Advanced for Review	1259
Apr. 6	Placed on Select File	1288
Apr. 9	Advanced for Engrossment	1389
Apr. 10	Correctly Engrossed	1410
May 12	Final Reading	1954
May 12	Warner explanation of vote	1955
May 12	Speaker signed	1962
May 12	Presented to Governor	1977
May 18	Returned by Governor without approval	2083
May 20	Motion to override Governor's veto laid over	2144
May 21	Pending motion to override Governor's veto withdrawn	2193

LEGISLATIVE BILL 318 By Education Committee

Jan. 19	Read first time	246
Jan. 26	Referred to Committee on Education	320
Jan. 29	Notice of hearing	356
Mar. 12	Education Committee priority bill	894
Mar. 19	Placed on General File	1041
Apr. 14	Lamb amendment printed	1473
Apr. 15	Lamb pending amendment lost. Committee amendments adopted. Remmers and Lamb amendments lost. Indefinitely postponed	1490
Apr. 16	Koch motion to reconsider laid over	1504

Apr. 29	Koch pending motion prevailed	1623
May 5	DeCamp amendment printed	1763
May 5	Koch amendment printed	1773
May 11	DeCamp amendment printed	1905
May 11	Koch amendment printed	1932
May 12	DeCamp pending amendment p. 1763 withdrawn. DeCamp pending amendment p. 1905 ruled not germane. Koch pending amendment p. 1932 adopted. Advanced for Review	1980
May 12	Koch pending amendment p. 1773 withdrawn	1984
May 13	Placed on Select File	1997
May 20	E and R amendment adopted. DeCamp pending amendment p. 1905 withdrawn. Beutler amendment adopted. Koch-DeCamp amendment ruled not germane. Advanced for Engrossment	2152
May 22	Correctly Engrossed. E and R changes	2225
May 27	Final Reading	2346
May 27	Speaker signed	2354
May 28	Presented to Governor	2356
May 28	Koch explanation of vote	2366
May 29	Returned by Governor without approval	2404
May 29	Motion to override Governor's veto prevailed	2419
May 29	Letter	2425
May 29	Certificate	2426
June 4	Letter	2437
June 4	Certificate	2438

LEGISLATIVE BILL 319 By Education Committee

Jan. 19	Read first time	246
Jan. 26	Referred to Committee on Education	320
Jan. 29	Notice of hearing	356
Feb. 9	Notice of hearing (reset)	476

LEGISLATIVE BILL 320 By Education Committee

Jan. 19	Read first time	247
Jan. 26	Referred to Committee on Education	320
Jan. 29	Notice of hearing	356
Mar. 6	Placed on General File	769
May 11	Cullan amendment printed	1909
May 19	Committee amendments adopted. Cullan amendment lost	2113
May 19	Cullan pending amendment p. 1909 withdrawn.	

	Dworak amendment to Committee amendment adopted. Advanced for Review	2115
May 20	Placed on Select File	2149
May 20	Lamb amendments printed	2159
May 26	E and R amendment adopted. Lamb pending amendments withdrawn. Lamb and Nichol amendments adopted. Advanced for Engrossment	2276
May 26	Correctly Engrossed. E and R changes	2297
May 28	Final Reading	2370
May 28	President signed	2375
May 28	Presented to Governor	2376
May 29	Approved by Governor	2383

LEGISLATIVE BILL 321 By Education Committee

Jan. 19	Read first time	247
Jan. 26	Referred to Committee on Education	321
Jan. 29	Notice of hearing	356
Mar. 6	Placed on General File	770
May 19	Committee amendments adopted. Advanced for Review	2121
May 20	Placed on Select File	2149
May 26	E and R amendments adopted. Koch amendment adopted. Advanced for Engrossment	2283
May 27	Correctly Engrossed	2316
May 29	Attorney General's Opinion	2385
May 29	Beutler motion lost. Warner and Chambers motions to return to Select File lost	2396
May 29	Final Reading	2402
May 29	Correctly Enrolled	2408
May 29	President signed	2420
May 29	Presented to Governor	2421
June 4	Approved by Governor	2434

LEGISLATIVE BILL 322 By Burrows, Schmit

Jan. 19	Read first time	247
Jan. 26	Referred to Committee on Agriculture and Environment	321
Jan. 28	Notice of hearing	345
Mar. 23	Placed on General File	1071
May 1	Committee amendments adopted. Advanced for Review	1692
May 7	Placed on Select File	1816

May 8	E and R amendment adopted. Advanced for Engrossment	1865
May 11	Correctly Engrossed	1931
May 14	Returned to Select File for Schmit amendment. Schmit amendment adopted. Advanced for Re-Engrossment	2042
May 19	Correctly Re-Engrossed	2112
May 22	Beutler motion to return to Select File lost. Returned to Select File for Schmit amendment	2211
May 22	Schmit pending amendment adopted. Advanced for Re-Engrossment	2212
May 22	Correctly Re-Engrossed	2235
May 27	Final Reading	2347
May 28	Correctly Enrolled	2356
May 28	President signed	2359
May 28	Presented to Governor	2365
May 28	Koch explanation of vote	2366
May 29	Returned by Governor without approval	2422
May 29	Motion to override Governor's veto lost	2425
May 29	Communication	2432

LEGISLATIVE BILL 323 By Burrows

Jan. 19	Read first time	248
Jan. 26	Referred to Committee on Business and Labor	321
Jan. 30	Notice of hearing	382
Mar. 27	Indefinitely postponed	1170

LEGISLATIVE BILL 324 By Landis

Jan. 19	Read first time	248
Jan. 26	Referred to Committee on Urban Affairs	321
Feb. 3	Notice of hearing	411
Mar. 13	Landis amendment printed	921
Mar. 19	Placed on General File	1024
May 1	Committee amendments adopted. Advanced for Review	1689
May 1	Landis pending amendment withdrawn	1690
May 5	Placed on Select File	1773
May 26	Landis motion to withdraw laid over	2294
May 27	Landis pending motion prevailed. Withdrawn	2299

LEGISLATIVE BILL 325 By Public Works Committee

Jan. 19	Read first time	248
Jan. 26	Referred to Committee on Public Works	321
Jan. 27	Notice of hearing	336
Feb. 17	Placed on General File	527
Feb. 25	Committee amendment adopted. Advanced for Review	670
Feb. 27	Placed on Select File	689
Mar. 4	Advanced for Engrossment	742
Mar. 10	Correctly Engrossed	818
Mar. 13	Final Reading	902
Mar. 16	Speaker signed	929
Mar. 16	Presented to Governor	943
Mar. 17	Approved by Governor	951

LEGISLATIVE BILL 326 By Public Works Committee

Jan. 19	Read first time	248
Jan. 26	Referred to Committee on Public Works	321
Jan. 28	Notice of hearing	345
Mar. 13	Kremer priority bill	926
Mar. 19	Placed on General File	1028
Apr. 8	Kremer amendment printed	1362
Apr. 10	Kremer amendment printed	1410
Apr. 14	Passed over	1466
Apr. 14	Wagner amendment printed	1468
Apr. 23	Kremer pending amendments pp. 1362 and 1410 adopted. Wagner pending amendment p. 1468 adopted. Advanced for Review	1538
Apr. 27	Placed on Select File	1578
May 8	E and R amendments adopted. Beutler and Kremer amendments adopted. Hoagland amendment lost. Advanced for Engrossment	1878
May 12	Correctly Engrossed	1974
May 12	E and R changes	1976
May 19	Laid over	2100
May 19	Returned to Select File for Hoagland-Kremer amendment. Hoagland-Kremer amendment adopted. Advanced for Re-Engrossment	2102
May 20	Correctly Re-Engrossed	2127
May 26	Final Reading	2249
May 26	Chronister explanation of vote	2258
May 26	President signed	2259

May 26	Presented to Governor	2264
May 27	Approved by Governor	2329

LEGISLATIVE BILL 327 By Landis

Jan. 19	Read first time	249
Jan. 26	Referred to Committee on Banking, Commerce and Insurance	321
Feb. 3	Notice of hearing	411
Mar. 9	Placed on General File	810
Mar. 27	Committee amendment adopted. Advanced for Review	1173
Apr. 1	Placed on Select File	1237
Apr. 6	Attorney General's Opinion	1298
Apr. 6	Landis amendment printed	1305
Apr. 15	Landis pending amendment adopted. Advanced for Engrossment	1482
Apr. 16	Correctly Engrossed	1524
Apr. 24	Schmit amendment printed	1574
Apr. 27	Returned to Select File for Schmit amendment	1581
Apr. 27	Schmit amendment adopted. Advanced for Re-Engrossment	1582
Apr. 29	Correctly Re-Engrossed. E and R changes	1621
May 4	Final Reading	1702
May 5	President signed	1742
May 5	Presented to Governor	1758
May 7	Dworak explanation of vote	1824
May 8	Approved by Governor	1883

LEGISLATIVE BILL 328 By Schmit, Pirsch

Jan. 19	Read first time	249
Jan. 26	Referred to Committee on Judiciary	321
Feb. 3	Notice of hearing	401
Mar. 16	Placed on General File	944
Mar. 16	Marvel priority bill	949
Apr. 6	Schmit amendment printed	1320
Apr. 7	Committee amendment adopted. Schmit pending amendment withdrawn. Advanced for Review	1337
Apr. 9	Placed on Select File	1365
Apr. 10	Schmit amendment printed	1398
Apr. 15	E and R amendments adopted. Schmit pending amendment adopted. Advanced for Engrossment	1484

Apr. 16	Correctly Engrossed. E and R changes	1524
May 14	Final Reading	2042
May 15	Speaker signed	2051
May 18	Approved by Governor	2075
May 19	Presented to Governor	2094

LEGISLATIVE BILL 328A By Pirsch, Schmit

Apr. 8	Read first time. Placed on General File	1359
Apr. 24	Advanced for Review	1573
Apr. 24	Schmit amendment printed	1575
Apr. 28	Placed on Select File	1599
May 8	Schmit pending amendment adopted. Pirsch amendment adopted. Advanced for Engrossment	1880
May 11	Correctly Engrossed	1900
May 14	Final Reading	2043
May 14	Speaker signed	2051
May 18	Approved by Governor	2075
May 19	Presented to Governor	2094

LEGISLATIVE BILL 329 By Higgins

Jan. 19	Read first time	249
Jan. 26	Referred to Committee on Banking, Commerce and Insurance	321
Feb. 3	Notice of hearing	411
Feb. 26	Placed on General File	673
Mar. 27	Advanced for Review	1162
Mar. 31	Placed on Select File	1202
Apr. 2	E and R amendment adopted. Advanced for Engrossment	1281
Apr. 6	Correctly Engrossed	1317
Apr. 10	Final Reading	1395
Apr. 13	President signed	1425
Apr. 13	Haberman explanation of vote	1426
Apr. 13	Presented to Governor	1447
Apr. 15	Approved by Governor	1502

LEGISLATIVE BILL 330 By Higgins

Jan. 19	Read first time	249
Jan. 26	Referred to Committee on Banking, Commerce and Insurance	321
Feb. 3	Notice of hearing	411
Feb. 26	Placed on General File	676

Mar. 27	Committee amendment adopted. Advanced for Review	1167
Mar. 31	Placed on Select File	1203
Apr. 6	Advanced for Engrossment	1301
Apr. 7	Correctly Engrossed	1343
Apr. 13	Final Reading	1430
Apr. 14	President signed	1450
Apr. 14	Presented to Governor	1458
Apr. 15	Approved by Governor	1502

LEGISLATIVE BILL 331 By Schmit

Jan. 19	Read first time	249
Jan. 26	Referred to Committee on Agriculture and Environment	321
Jan. 28	Notice of hearing	345
Mar. 5	Placed on General File	746
Mar. 27	Committee amendments adopted. Advanced for Review	1172
Apr. 1	Placed on Select File	1236
Apr. 7	E and R amendments adopted. Advanced for Engrossment	1325
Apr. 7	Schmit amendment printed	1333
Apr. 8	Correctly Engrossed	1359
Apr. 14	Returned to Select File for Schmit amendment. Schmit amendment adopted. Advanced for Re-Engrossment	1452
Apr. 14	Beutler motion to return to Select File lost	1453
Apr. 16	Correctly Re-Engrossed	1524
Apr. 16	E and R changes	1525
Apr. 24	Attorney General's Opinion	1558
Apr. 27	Returned to Select File for Schmit amendment. Schmit amendment adopted. Advanced for Re-Engrossment	1582
Apr. 29	Correctly Re-Engrossed. E and R changes	1621
May 1	Final Reading	1702
May 5	President signed	1742
May 5	Presented to Governor	1758
May 7	Dworak explanation of vote	1824
May 8	Approved by Governor	1883

LEGISLATIVE BILL 332 By Schmit

Jan. 19	Read first time	250
Jan. 26	Referred to Committee on Revenue	321
Jan. 27	Vickers name added	337

Feb. 5	Notice of hearing	447
Feb. 24	Notice of hearing (reset)	646
Mar. 24	Indefinitely postponed	1089

LEGISLATIVE BILL 333 By Agriculture and Environment Committee

Jan. 19	Read first time	250
Jan. 26	Referred to Committee on Agriculture and Environment	321
Jan. 28	Notice of hearing	344
Feb. 26	Placed on General File	676
Mar. 27	Advanced for Review	1162
Mar. 31	Placed on Select File	1202
Apr. 2	E and R amendment adopted. Advanced for Engrossment	1281
Apr. 6	Correctly Engrossed	1317
Apr. 10	Final Reading	1394
Apr. 13	President signed	1425
Apr. 13	Haberman explanation of vote	1426
Apr. 13	Presented to Governor	1447
Apr. 15	Approved by Governor	1502

LEGISLATIVE BILL 334 By Koch

Jan. 19	Read first time	250
Jan. 26	Referred to Committee on Appropriations	321
Jan. 27	Notice of hearing	336
Mar. 13	Appropriations Committee priority bill	925
Mar. 18	Placed on General File	987
Apr. 13	Committee amendment adopted. Advanced for Review	1441
Apr. 15	Placed on Select File	1475
May 4	Advanced for Engrossment	1708
May 6	Correctly Engrossed	1801
May 13	Final Reading	1991
May 13	President signed	1998
May 13	Presented to Governor	2009
May 18	Approved by Governor	2075

LEGISLATIVE BILL 334A By Warner

Mar. 24	Read first time. Placed on General File	1104
Apr. 13	Advanced for Review	1441
Apr. 15	Placed on Select File	1475
May 4	Advancd for Engrossment	1708

May 6	Correctly Engrossed	1801
May 13	Final Reading	1992
May 13	President signed	1998
May 13	Presented to Governor	2009
May 18	Approved by Governor	2075

LEGISLATIVE BILL 335 By Marsh

Jan. 19	Read first time	250
Jan. 26	Referred to Committee on Judiciary	321
Feb. 3	Notice of hearing	402
Apr. 1	Placed on General File	1244

LEGISLATIVE BILL 336 By Koch

Jan. 19	Read first time	250
Jan. 26	Referred to Committee on Education	321
Jan. 27	Notice of hearing	337
Feb. 4	Placed on General File	429
Feb. 10	Stoney amendment adopted. Advanced for Review	484
Feb. 12	Placed on Select File	511
Feb. 17	E and R amendment adopted. Advanced for Engrossment	536
Feb. 18	Correctly Engrossed	555
May 11	Returned to Select File for Stoney amendment. Stoney amendment adopted. Advanced for Re-Engrossment	1911
May 12	Correctly Re-Engrossed	1974
May 12	E and R changes	1976
May 19	Final Reading	2100
May 19	Koch explanation of vote	2109
May 19	Speaker signed	2112
May 19	Presented to Governor	2116
May 22	Approved by Governor	2243

LEGISLATIVE BILL 336A By Koch

Feb. 6	Read first time. Placed on General File	460
Feb. 10	Advanced for Review	484
Feb. 12	Placed on Select File	511
Feb. 17	Advanced for Engrossment	536
Feb. 18	Correctly Engrossed	555
May 19	Final Reading	2100
May 19	Koch explanation of vote	2109
May 19	Speaker signed	2112

May 19	Presented to Governor	2116
May 22	Approved by Governor	2243

LEGISLATIVE BILL 337 By Business and Labor Committee

Jan. 19	Read first time	251
Jan. 26	Referred to Committee on Business and Labor	321
Jan. 30	Notice of hearing	382
Mar. 27	Indefinitely postponed	1170

LEGISLATIVE BILL 338 By Koch

Jan. 19	Read first time	251
Jan. 26	Referred to Committee on Education	321
Jan. 29	Notice of hearing	356
Feb. 4	Notice of hearing (cancel)	422
Feb. 9	Notice of hearing (reset)	476
Feb. 20	Notice of hearing (reset)	603
Mar. 19	Placed on General File	1041

LEGISLATIVE BILL 339 By Beutler

Jan. 19	Read first time	251
Jan. 26	Referred to Committee on Judiciary	321
Feb. 3	Notice of hearing	401
Apr. 28	Indefinitely postponed	1614

LEGISLATIVE BILL 340 By Hoagland

Jan. 19	Read first time	251
Jan. 26	Referred to Committee on Judiciary	321
Feb. 3	Notice of hearing	402
Mar. 23	Placed on General File	1074

LEGISLATIVE BILL 341 By Hoagland

Jan. 19	Read first time	251
Jan. 26	Referred to Committee on Judiciary	321
Feb. 3	Notice of hearing	402
Mar. 23	Placed on General File	1074

LEGISLATIVE BILL 342 By Koch

Jan. 19	Read first time	252
Jan. 26	Referred to Committee on Revenue	321
Feb. 3	Notice of hearing	404
Mar. 24	Indefinitely postponed	1089

LEGISLATIVE BILL 343 By Landis

Jan. 19 Read first time 252
Jan. 26 Referred to Committee on Revenue 321
Feb. 5 Notice of hearing 447
Mar. 24 Indefinitely postponed 1089

LEGISLATIVE BILL 344 By Landis

Jan. 19 Read first time 252
Jan. 26 Referred to Committee on Public Works 321
Jan. 28 Notice of hearing 345
Mar. 19 Koch name added 1044
Mar. 24 Placed on General File 1086
Apr. 9 Placed on General File (Corrected statement) . . . 1388
May 1 Committee amendments adopted.
Advanced for Review 1693
May 7 Placed on Select File 1816
May 26 E and R amendment adopted. Landis-Koch amendment adopted.
Advanced for Engrossment 2296
May 27 Correctly Engrossed 2316
May 29 Final Reading 2405
May 29 President signed 2409
May 29 Presented to Governor 2421
June 4 Approved by Governor 2434

LEGISLATIVE BILL 345 By Judiciary Committee

Jan. 19 Read first time 252
Jan. 26 Referred to Committee on Judiciary 321
Feb. 2 Notice of hearing 389
Feb. 11 Placed on General File 498
Feb. 18 Committee amendments adopted.
Advanced for Review 563
Feb. 20 Placed on Select File 590
Feb. 25 V. Johnson amendment lost.
Advanced for Engrossment 658
Mar. 2 Correctly Engrossed 703
Mar. 5 Final Reading 757
Mar. 6 President signed 772
Mar. 10 Presented to Governor 817
Mar. 11 Approved by Governor 844

LEGISLATIVE BILL 346 By Judiciary Committee

Jan. 19	Read first time	252
Jan. 26	Referred to Committee on Judiciary	321
Feb. 3	Notice of hearing	401
Mar. 13	Judiciary Committee priority bill	925
Mar. 17	Placed on General File	974
Apr. 7	V. Johnson amendment printed	1345
Apr. 13	Committee amendments adopted. V. Johnson pending amendment withdrawn. V. Johnson amendment adopted. Advanced for Review	1439
Apr. 13	V. Johnson and Nichol amendments printed	1440
Apr. 13	V. Johnson amendment printed	1442
Apr. 14	V. Johnson amendment printed	1459
Apr. 15	Placed on Select File	1475
Apr. 24	Nichol amendment printed	1550
May 1	Vickers-Schmit amendment printed	1694
May 4	E and R amendments adopted. V. Johnson pending amendment p. 1440 lost. Nichol pending amendment p. 1440 withdrawn. V. Johnson pending amendment p. 1442 withdrawn. V. Johnson pending amendment p. 1459 adopted. Nichol pending amendment p. 1550 adopted. Vickers-Schmit pending amendment p. 1694 lost. Advanced for Engrossment	1704
May 8	Correctly Engrossed	1843
May 13	Returned to Select File for Nichol amendment	1995
May 13	Nichol amendment adopted. Advanced for Re-Engrossment	1996
May 14	Correctly Re-Engrossed	2030
May 21	Final Reading	2173
May 21	Speaker signed	2189
May 21	Presented to Governor	2195
May 22	Approved by Governor	2226

LEGISLATIVE BILL 347 By Law Enforcement and Justice Advisory Committee

Jan. 19	Read first time	253
Jan. 26	Referred to Committee on Judiciary	321
Feb. 2	Notice of hearing	390
Feb. 27	Placed on General File	695

LEGISLATIVE BILL 348 By Hoagland

Jan. 19	Read first time	253
Jan. 26	Referred to Committee on Public Works	321
Jan. 27	Notice of hearing	336

LEGISLATIVE BILL 349 By Haberman

Jan. 19	Read first time	253
Jan. 26	Referred to Committee on Banking, Commerce and Insurance	321
Feb. 3	Notice of hearing	412
Feb. 12	Notice of hearing (reset)	521
Mar. 11	Placed on General File	869
Mar. 27	Failed to advance for Review	1164

LEGISLATIVE BILL 350 By Koch

Jan. 19	Read first time	254
Jan. 26	Referred to Committee on Urban Affairs	321
Feb. 3	Notice of hearing	411
Mar. 19	Indefinitely postponed	1017

LEGISLATIVE BILL 351 By Barrett, Beutler, Beyer, Burrows, Carsten, Chronister, Cope, Cullan, DeCamp, Fenger, Fowler, Goll, Goodrich, Haberman, Hefner, Higgins, Hoagland, L. Johnson, Kahle, Kilgarin, Koch, Kremer, Labedz, Lamb, Maresh, Marvel, Newell, Nichol, H. Peterson, R. Peterson, Pirsch, Remmers, Rumery, Schmit, Sieck, Stoney, Vickers, Von Minden, Wagner, Wesely, Wiitala

Jan. 19	Read first time	254
Jan. 26	Referred to Committee on Government, Military and Veterans Affairs	321
Jan. 30	Notice of hearing	376
Mar. 12	Placed on General File	896
Mar. 16	Fitzgerald priority bill	948
Mar. 17	Advanced for Review. Wesely amendment printed	984
Mar. 19	Placed on Select File	1006
Mar. 26	E and R amendment adopted. Wesely pending amendment p. 984 withdrawn. Advanced for Engrossment	1146
Mar. 30	Correctly Engrossed	1189
Apr. 2	Final Reading	1273
Apr. 6	Speaker signed	1290

Apr. 6	Presented to Governor	1299
Apr. 6	Nichol explanation of vote	1310
Apr. 9	Approved by Governor	1365

LEGISLATIVE BILL 352 By Koch

Jan. 19	Read first time	254
Jan. 26	Referred to Committee on Revenue	321
Feb. 5	Notice of hearing	447
Mar. 5	Placed on General File	762
May 14	Newell-Burrows amendment printed	2050
May 18	Beutler-DeCamp amendment printed. Newell-Burrows pending amendment lost. Advanced for Review	2089
May 19	Placed on Select File	2112
May 26	Attorney General's Opinion	2250
May 26	E and R amendment adopted. Beutler-DeCamp pending amendment p. 2089 withdrawn. Koch amendment adopted. Beutler-DeCamp amendment lost. Newell-Burrows pending amendment p. 2050 lost. DeCamp amendment lost. Beutler amendment adopted. Advanced for Engrossment	2270
May 26	Correctly Engrossed. E and R changes	2297
May 27	Returned to Select File for Carsten amendment. Carsten amendment adopted. Advanced for Re-Engrossment	2336
May 27	Correctly Re-Engrossed	2352
May 29	Final Reading	2406
May 29	President signed	2409
May 29	Presented to Governor	2421
June 4	Approved by Governor	2436

LEGISLATIVE BILL 353 By Nichol

Jan. 19	Read first time	254
Jan. 26	Referred to Committee on Judiciary	321
Feb. 3	Notice of hearing	401
Apr. 1	Placed on General File	1245

LEGISLATIVE BILL 354 By Beyer, Fenger, Goll, Wiitala, L. Johnson

Jan. 19	Read first time	255
Jan. 26	Referred to Committee on Urban Affairs	321
Feb. 3	Notice of hearing	410

Feb. 17	Placed on General File	547
Feb. 20	Attorney General's Opinion	592
Feb. 27	Committee amendments adopted. Advanced for Review	689
Mar. 3	Placed on Select File	729
Mar. 3	Landis amendments printed	735
Mar. 4	Landis pending amendments withdrawn. Landis amendment adopted. Advanced for Engrossment	743
Mar. 10	Correctly Engrossed	818
Mar. 13	Final Reading	903
Mar. 16	Speaker signed	929
Mar. 16	Presented to Governor	943
Mar. 17	Approved by Governor	951

LEGISLATIVE BILL 355 By Clark

Jan. 19	Read first time	255
Jan. 26	Referred to Committee on Banking, Commerce and Insurance	321
Feb. 3	Notice of hearing	411
Feb. 12	Placed on General File	514
Feb. 25	Committee amendments adopted. Advanced for Review	669
Feb. 27	Placed on Select File	689
Mar. 3	E and R amendment adopted. Kilgarin amendment pending	734
Mar. 3	Burrows amendment printed	735
Mar. 18	Attorney General's Opinion	988
Mar. 25	Kilgarin pending amendment p. 734 lost. Burrows pending amendment p. 735 lost. Kilgarin amendments lost. Kilgarin-Burrows motion to indefinitely postpone laid over	1123
Mar. 26	Kilgarin-Burrows pending motion withdrawn. DeCamp amendment adopted. Hoagland-Kilgarin amendment adopted. Kilgarin amendment adopted. Advanced for Engrossment	1141
Mar. 31	Correctly Engrossed	1220
Mar. 31	E and R changes	1221
Apr. 1	E and R (Correction)	1230
Apr. 6	Final Reading	1294
Apr. 7	Speaker signed	1323
Apr. 7	Presented to Governor	1337

Apr. 13 Approved by Governor 1424

LEGISLATIVE BILL 356 By Beyer

Jan. 19 Read first time..................................256
Jan. 26 Referred to Committee on Judiciary 321
Feb. 2 Notice of hearing...............................389
May 6 Indefinitely postponed..........................1796

LEGISLATIVE BILL 357 By Nichol, Pirsch

Jan. 19 Read first time..................................261
Jan. 26 Referred to Comittee on Nebraska Retirement Systems. 321
Jan. 28 Notice of hearing...............................345
Feb. 3 Nichol motion prevailed. Withdrawn 407

LEGISLATIVE BILL 358 By Schmit

Jan. 19 Read first time..................................261
Jan. 26 Referred to Committee on Banking, Commerce and Insurance...................321
Feb. 3 Notice of hearing...............................411

LEGISLATIVE BILL 359 By Newell

Jan. 19 Read first time..................................261
Jan. 26 Referred to Committee on Urban Affairs........321
Feb. 3 Notice of hearing...............................410
Feb. 27 Placed on General File.........................687

LEGISLATIVE BILL 360 By Carsten, Warner

Jan. 19 Read first time..................................261
Jan. 26 Referred to Committee on Revenue 321
Feb. 5 Notice of hearing...............................447
Mar. 13 Warner priority bill............................924
Mar. 24 Placed on General File.........................1087
Apr. 15 Schmit amendment printed 1497
Apr. 16 Committee amendments adopted as amended by Warner. Advanced for Review...........1510
Apr. 23 Placed on Select File 1528
Apr. 28 Warner amendments printed......................1601
Apr. 29 Carsten name added to Warner amendment (1) (Correction)...........................1620
May 1 Fenger amendment printed 1678
May 4 Schmit amendment printed 1735

May 7	E and R amendments adopted. Warner-Carsten pending amendment (1) p. 1601 withdrawn. Warner pending amendment (2) p. 1601 adopted. Fenger pending amendment p. 1678 adopted. Schmit pending amendment p. 1735 adopted. Advanced for Engrossment	1833
May 12	Correctly Engrossed	1974
May 12	E and R changes	1976
May 19	Schmit pending amendment p. 1497 withdrawn. Returned to Select File for Carsten amendment	2101
May 19	Carsten pending amendment adopted. Advanced for Re-Engrossment	2102
May 20	Correctly Re-Engrossed	2127
May 26	Final Reading	2249
May 26	Chronister explanation of vote	2258
May 26	President signed	2259
May 26	Presented to Governor	2264
May 27	Approved by Governor	2329

LEGISLATIVE BILL 361 By Warner

Jan. 19	Read first time	262
Jan. 26	Referred to Committee on Public Works	321
Jan. 27	Notice of hearing	336
Mar. 10	Placed on General File	829
Mar. 18	Wesely amendment printed	998
May 1	Committee amendment adopted. Wesely pending amendment adopted. Wesely amendment adopted. Advanced for Review	1685
May 1	Wesely name added	1690
May 4	Placed on Select File	1726
May 8	E and R amendments adopted. Advanced for Engrossment	1863
May 11	Correctly Engrossed	1931
May 14	Final Reading	2044
May 14	Speaker signed	2051
May 19	Presented to Governor	2094
May 20	Approved by Governor	2150

LEGISLATIVE BILL 362 By Koch

Jan. 19	Read first time	262
Jan. 26	Referred to Committee on Urban Affairs	321
Feb. 3	Notice of hearing	411
Mar. 13	Indefinitely postponed	919

LEGISLATIVE BILL 363 By Chambers

Jan. 19	Read first time	262
Jan. 26	Referred to Committee on Education	321
Jan. 30	Chambers motion to re-refer pending	379
Feb. 2	Chambers pending motion lost	386
Feb. 3	Notice of hearing	411
Mar. 6	Indefinitely postponed	770

LEGISLATIVE BILL 364 By Chambers

Jan. 19	Read first time	262
Jan. 26	Referred to Committee on Public Works	321
Jan. 27	Notice of hearing	336
Jan. 29	Notice of hearing (reset)	357
May 6	Placed on General File	1776
May 19	Kremer amendment printed	2121

LEGISLATIVE BILL 365 By Wesely

Jan. 19	Read first time	262
Jan. 26	Referred to Committee on Nebraska Retirement Systems	321
Jan. 28	Notice of hearing	346

LEGISLATIVE BILL 366 By Wesely

Jan. 19	Read first time	262
Jan. 26	Referred to Committee on Nebraska Retirement Systems	322
Jan. 30	Notice of hearing	382
Mar. 16	Marvel priority bill	949
Mar. 19	Placed on General File	1019
Apr. 7	Landis amendment printed	1335
Apr. 13	Committee amendments adopted. Landis pending amendment adopted. Advanced for Review	1447
Apr. 15	Placed on Select File	1489
Apr. 15	Wesely amendment to Committee amendments printed	1495
May 6	E and R amendments adopted. Wesely pending amendment to Committee	

	amendments p. 1495 adopted. Advanced for Engrossment	1791
May 11	Correctly Engrossed	1931
May 14	Final Reading	2045
May 14	Speaker signed	2051
May 18	Approved by Governor	2077
May 19	Presented to Governor	2094

LEGISLATIVE BILL 367 By Wesely

Jan. 19	Read first time	263
Jan. 26	Referred to Committee on Nebraska Retirement Systems	322
Jan. 30	Notice of hearing	382
Mar. 19	Indefinitely postponed	1009

LEGISLATIVE BILL 368 By Koch

Jan. 19	Read first time	263
Jan. 26	Referred to Committee on Miscellaneous Subjects	322
Feb. 2	Notice of hearing	390
Mar. 11	Attorney General's Opinion	844
Mar. 16	Indefinitely postponed	937

LEGISLATIVE BILL 369 By Burrows

Jan. 19	Read first time	263
Jan. 26	Referred to Committee on Nebraska Retirement Systems	322
Jan. 30	Notice of hearing	381
Mar. 13	Placed on General File	921
May 1	Committee amendments adopted. Advanced for Review	1687
May 5	Placed on Select File	1772
May 8	Advanced for Engrossment	1863
May 11	Correctly Engrossed	1900
May 14	Final Reading	2045
May 14	Speaker signed	2051
May 18	Approved by Governor	2075
May 19	Presented to Governor	2094

LEGISLATIVE BILL 370 By Goll

Jan. 19	Read first time	263
Jan. 26	Referred to Committee on Education	322
Jan. 29	Notice of hearing	356
Apr. 1	Placed on General File	1231

LEGISLATIVE BILL 371 By Goll

Jan. 19	Read first time	264
Jan. 26	Referred to Committee on Education	322
Jan. 29	Notice of hearing	356
Feb. 9	Notice of hearing (reset)	476
Mar. 19	Placed on General File	1042
Mar. 27	Advanced for Review	1166
Mar. 31	Placed on Select File	1203
Apr. 6	Advanced for Engrossment	1300
Apr. 7	Correctly Engrossed	1337
Apr. 13	Final Reading	1431
Apr. 14	President signed	1450
Apr. 14	Presented to Governor	1458
Apr. 15	Approved by Governor	1502

LEGISLATIVE BILL 372 By Koch

Jan. 19	Read first time	264
Jan. 26	Referred to Committee on Judiciary	322
Feb. 3	Notice of hearing	402

LEGISLATIVE BILL 373 By Remmers

Jan. 19	Read first time	264
Jan. 26	Referred to Committee on Revenue	322
Feb. 5	Notice of hearing	447

LEGISLATIVE BILL 374 By Kremer

Jan. 19	Read first time	264
Jan. 26	Referred to Committee on Revenue	322
Feb. 5	Notice of hearing	448
Mar. 19	Indefinitely postponed	1042

LEGISLATIVE BILL 375 By Schmit, Kremer

Jan. 19	Read first time	264
Jan. 26	Referred to Committee on Public Works	322
Jan. 28	Notice of hearing	345
Mar. 12	Public Works Committee priority bill	894
Mar. 19	Koch name added	1044

May 5	Von Minden-Schmit-Kremer-Chronister motion to place on General File laid over	1771
May 6	Von Minden et al pending motion prevailed. Placed on General File	1778

LEGISLATIVE BILL 376 By DeCamp

Jan. 19	Read first time	265
Jan. 26	Referred to Committee on Banking, Commerce and Insurance	322
Feb. 3	Notice of hearing	412
Mar. 6	Placed on General File	771
Mar. 10	Haberman amendment printed	835
Mar. 12	Banking, Commerce and Insurance Committee priority bill	875
Mar. 24	DeCamp amendment printed	1109
Apr. 14	Passed over	1466
May 4	Barrett amendment printed	1707
May 7	Fitzgerald-DeCamp amendment printed	1841
May 12	DeCamp amendment printed	1982
May 13	Barrett pending amendment p. 1707 ruled not germane. Committee amendment adopted. Haberman pending amendment p. 835 withdrawn. Barrett pending amendment p. 1707 lost	1998
May 13	Fitzgerald-DeCamp pending amendment p. 1841 withdrawn. DeCamp pending amendment p. 1982 adopted. Advanced for Review	2000
May 13	Warner explanation of vote	2002
May 14	Dworak amendment printed	2050
May 14	Placed on Select File	2051
May 18	Dworak amendment printed	2085
May 20	E and R amendments adopted. DeCamp pending amendment p. 1109 withdrawn. Dworak pending amendment p. 2050 withdrawn. Dworak pending amendment p. 2085 lost. Barrett motion to indefinitely postpone laid over	2157
May 21	Barrett pending motion to indefinitely postpone withdrawn. V. Johnson-Dworak amendment lost. Advanced for Engrossment	2204
May 22	Attorney General's Opinion	2228
May 22	Correctly Engrossed. E & R changes	2235
May 27	Attorney General's Opinion	2313

May 28	Final Reading	2367
May 28	President signed	2371
May 29	Presented to Governor	2375
May 29	Attorney General's Opinion	2422
May 29	Communication from Governor	2427
May 29	Motion to override Governor's veto lost	2428
June 4	Approved by Acting Governor	2434

LEGISLATIVE BILL 377 By Hoagland

Jan. 19	Read first time	265
Jan. 26	Referred to Committee on Revenue	322
Jan. 28	Notice of hearing	344
Mar. 23	Indefinitely postponed	1066

LEGISLATIVE BILL 378 By Public Health and Welfare Committee

Jan. 19	Read first time	265
Jan. 26	Referred to Committee on Public Health and Welfare	322
Jan. 30	Notice of hearing	379
Mar. 31	Placed on General File	1212
Apr. 9	Marsh amendment printed	1375

LEGISLATIVE BILL 379 By Public Health and Welfare Committee

Jan. 19	Read first time	265
Jan. 26	Referred to Committee on Public Health and Welfare	322
Jan. 30	Notice of hearing	379
Mar. 3	Placed on General File	730
Mar. 27	Committee amendment adopted. Advanced for Review	1168
Apr. 1	Placed on Select File	1235
Apr. 6	E and R amendments adopted. Wesely amendment adopted. Advanced for Engrossment	1302
Apr. 8	Correctly Engrossed	1359
Apr. 14	Final Reading	1453
Apr. 15	Speaker signed	1477
Apr. 15	Presented to Governor	1488
Apr. 15	Approved by Governor	1502

LEGISLATIVE BILL 380 By Nichol

Jan. 19	Read first time	266
Jan. 26	Referred to Committee on Judiciary	322
Jan. 30	Re-referred to Committee on Public Health and Welfare	378
Feb. 4	Notice of hearing	432

LEGISLATIVE BILL 381 By Performance Review and Audit Committee

Jan. 19	Read first time	266
Jan. 26	Referred to Committee on Appropriations	322
Jan. 29	Notice of hearing	365
Mar. 13	Appropriations Committee priority bill	925
Mar. 19	Placed on General File	1009
Apr. 13	Committee amendment adopted. Advanced for Review	1442
Apr. 15	Placed on Select File	1488
May 4	E and R amendment adopted. Advanced for Engrossment	1713
May 11	Correctly Engrossed	1900
May 11	E & R changes	1903
May 18	Final Reading	2064
May 18	Speaker signed	2076
May 18	Presented to Governor	2085
May 22	Approved by Governor	2226

LEGISLATIVE BILL 382 By Vickers

Jan. 19	Read first time	266
Jan. 26	Referred to Committee on Public Works	322
Jan. 28	Notice of hearing	345
Feb. 9	Notice of hearing (reset)	476
Mar. 4	Indefinitely postponed	736

LEGISLATIVE BILL 383 By Warner

Jan. 19	Read first time	267
Jan. 26	Referred to Committee on Public Works	322
Jan. 27	Notice of hearing	336
Mar. 13	Beyer priority bill	924
May 18	Placed on General File	2090

LEGISLATIVE BILL 384 By Schmit, DeCamp

Jan. 19	Read first time	267
Jan. 26	Referred to Committee on Agriculture and Environment	322
Jan. 28	Notice of hearing	345
Mar. 4	Placed on General File	739
Mar. 13	Agriculture and Environment Committee priority bill	925
Mar. 25	Committee amendment adopted. Wesely motion to return to committee lost	1135
Mar. 26	Schmit amendments adopted. Sieck amendment pending. Burrows amendment to Sieck amendment pending	1146
Mar. 26	Burrows pending amendment to Sieck pending amendment lost. Sieck pending amendment adopted as amended by Schmit. Beutler amendment adopted as amended by Vickers. Beutler and Vickers amendments adopted. Advanced for Review	1149
Mar. 30	Placed on Select File	1195
Apr. 1	Vickers amendment printed	1262
Apr. 2	E and R amendment adopted	1280
Apr. 2	Wesely amendment printed	1281
Apr. 6	Beutler amendment printed	1300
Apr. 24	Vickers pending amendment p. 1262 withdrawn. Wesely pending amendments p. 1281 adopted. Beutler pending amendment p. 1300 adopted. Warner and Vickers amendments adopted. Advanced for Engrossment	1566
Apr. 30	Correctly Engrossed	1646
Apr. 30	E and R change	1647
May 5	Returned to Select File for Wesely amendment. Wesely amendment adopted. Advanced for Re-Engrossment	1751
May 7	Dworak explanation of vote	1824
May 11	Correctly Re-Engrossed	1900
May 18	Final Reading	2065
May 18	Speaker signed	2076
May 18	Presented to Governor	2085
May 22	Approved by Governor	2226

LEGISLATIVE BILL 385 By Schmit

Jan. 19	Read first time	268
Jan. 26	Referred to Committee on Agriculture and Environment	322
Jan. 28	Notice of hearing	345
Mar. 4	Placed on General File	739
May 1	Committee amendment adopted as amended by Wagner. Advanced for Review	1683
May 4	Placed on Select File	1725
May 27	E and R amendments adopted. Schmit amendment adopted. Advanced for Engrossment	2312
May 27	Correctly Engrossed	2334
May 29	Final Reading	2407
May 29	President signed	2420
May 29	Presented to Governor	2421
June 4	Approved by Governor	2434

LEGISLATIVE BILL 386 By Beutler

Jan. 19	Read first time	268
Jan. 26	Referred to Committee on Judiciary	322
Feb. 2	Notice of hearing	390

LEGISLATIVE BILL 387 By Rumery

Jan. 19	Read first time	268
Jan. 26	Referred to Committee on Nebraska Retirement Systems	322
Jan. 30	Notice of hearing	382
Mar. 6	Placed on General File	782
Mar. 25	Fowler amendment to Committee amendments printed	1133
May 26	Committee amendments adopted as amended by pending Fowler amendment. H. Peterson motion to indefinitely postpone lost	2254

LEGISLATIVE BILL 388 By Wiitala, DeCamp, Schmit, Beutler, Kremer

Jan. 19	Read first time	268
Jan. 26	Referred to Committee on Public Works	322
Jan. 27	Notice of hearing	336
Feb. 17	Placed on General File	527
Feb. 25	Committee amendment adopted. Advanced for Review	670
Feb. 27	Placed on Select File	689
Mar. 4	E and R amendments adopted.	

	Advanced for Engrossment	742
Mar. 9	Correctly Engrossed	809
Mar. 12	Final Reading	880
Mar. 13	President signed	899
Mar. 13	Presented to Governor	917
Mar. 17	Approved by Governor	951

LEGISLATIVE BILL 389 By Wesely, Schmit

Jan. 20	Read first time	271
Jan. 26	Referred to Committee on Public Health and Welfare	322
Feb. 4	Notice of hearing	432
Mar. 13	Wesely priority bill	926
Mar. 16	Wesely priority bill	948
Mar. 19	Placed on General File	1030
Apr. 2	Wesely-Schmit amendment to Committee amendment printed	1278
Apr. 14	Committee amendment adopted as amended by Wesely-Schmit pending amendment. Advanced for Review. Maresh amendment printed	1471
Apr. 16	Placed on Select File	1508
Apr. 28	Schmit-Wesely amendment printed	1619
May 7	E and R amendments adopted. Maresh pending amendment p. 1471 withdrawn. Schmit-Wesely pending amendment p. 1619 adopted. Maresh amendment adopted. Advanced for Engrossment	1823
May 11	Correctly Engrossed	1900
May 11	E and R changes	1903
May 20	Returned to Select File for Wesely amendment. Wesely amendment adopted. Advanced for Re-Engrossment	2138
May 21	Correctly Re-Engrossed	2188
May 27	Final Reading	2348
May 27	Speaker signed	2354
May 28	Presented to Governor	2356
May 28	Koch explanation of vote	2366
May 29	Approved by Governor	2409

LEGISLATIVE BILL 389A By Wesely

Apr. 24	Read first time. Placed on General File	1569
May 11	Advanced for Review	1907
May 11	Placed on Select File	1927

May 14	Advanced for Engrossment	2053
May 18	Correctly Engrossed	2060
May 20	Carsten amendment adopted. Advanced for Re-Engrossment	2138
May 22	Returned to Select File for Wesely amendment	2216
May 22	Wesely pending amendment adopted. Advanced for Re-Engrossment	2217
May 22	Correctly Re-Engrossed	2235
May 27	Final Reading	2349
May 27	Speaker signed	2354
May 28	Presented to Governor	2356
May 28	Koch explanation of vote	2366
May 29	Returned by Governor without approval	2404

LEGISLATIVE BILL 390 By Revenue Committee

Jan. 20	Read first time	271
Jan. 26	Referred to Committee on Revenue	322
Jan. 28	Notice of hearing	344
Mar. 3	Carsten-Newell-Fowler-V. Johnson-Hoagland-Cullan-Rumery-Warner-Chambers-Beutler-Goodrich-Wesely-Nichol-L. Johnson-Koch-Wiitala-Fenger-Fitzgerald-Stoney-Beyer-Landis-Higgins-Labedz-Marsh-Pirsch-Kilgarin motion to place on General File laid over	734
Mar. 4	Carsten et al pending motion lost. Indefinitely postponed	740

LEGISLATIVE BILL 391 By Clark

Jan. 20	Read first time	271
Jan. 26	Referred to Committee on Education	322
Jan. 29	Notice of hearing	357
Mar. 13	Indefinitely postponed	899

LEGISLATIVE BILL 392 By Marvel

Jan. 20	Read first time	271
Jan. 26	Referred to Committee on Urban Affairs	322
Feb. 3	Notice of hearing	411
Mar. 5	Placed on General File	761
Mar. 27	Committee amendments adopted. Advanced for Review	1172
Apr. 1	Placed on Select File	1237

Apr. 7	E and R amendment adopted. Advanced for Engrossment	1325
Apr. 8	Correctly Engrossed	1359
Apr. 14	Final Reading	1454
Apr. 15	Speaker signed	1477
Apr. 15	Presented to Governor	1488
Apr. 15	Approved by Governor	1502

LEGISLATIVE BILL 393 By Beutler

Jan. 20	Read first time	272
Jan. 26	Referred to Committee on Revenue	322
Feb. 5	Notice of hearing	448
Mar. 23	Indefinitely postponed	1066

LEGISLATIVE BILL 394 By Maresh, Vickers

Jan. 20	Read first time	272
Jan. 26	Referred to Committee on Business and Labor	322
Jan. 30	Notice of hearing	382
Mar. 13	Business and Labor Committee priority bill	926
Mar. 25	Hefner name added	1132
Mar. 27	Placed on General File	1159
Apr. 15	Newell amendments to Committee amendments printed	1496
Apr. 23	Maresh amendments to Committee amendments adopted	1538
Apr. 24	Newell pending amendment p. 1497 (3) lost. Committee amendments adopted as amended by Goodrich and Vickers-Wiitala amendments. Stoney amendment to Committee amendments lost. Advanced for Review	1573
Apr. 28	Placed on Select File	1599
May 8	E and R amendments adopted. Newell pending amendments (1) and (2) p. 1496 withdrawn. V. Johnson amendment lost. Advanced for Engrossment	1881
May 12	Correctly Engrossed	1974
May 12	E and R changes	1977
May 19	Final Reading	2103
May 19	V. Johnson motion to reconsider laid over	2122
May 21	V. Johnson pending motion withdrawn	2192
May 22	Maresh motion to reconsider laid over	2224
May 27	Maresh pending motion withdrawn	2312

LEGISLATIVE BILL 395 By Fowler

Jan. 20	Read first time	272
Jan. 26	Referred to Committee on Nebraska Retirement Systems	322
Jan. 30	Notice of hearing	382

LEGISLATIVE BILL 396 By Carsten

Jan. 20	Read first time	272
Jan. 26	Referred to Committee on Agriculture and Environment	322
Jan. 28	Notice of hearing	344
Mar. 17	Placed on General File	966
May 1	Committee amendments adopted. Advanced for Review	1688
May 7	Placed on Select File	1810
May 8	E and R amendments adopted. Advanced for Engrossment	1864
May 12	Correctly Engrossed	1974
May 27	Returned to Select File for Carsten amendment. Carsten amendment adopted. Advanced for Re-Engrossment	2344
May 27	Correctly Re-Engrossed. E and R changes	2352
May 29	Final Reading	2410
May 29	President signed	2420
May 29	Presented to Governor	2421
June 4	Approved by Governor	2435

LEGISLATIVE BILL 396A By Carsten

May 1	Read first time. Placed on General File	1690
May 11	Advanced for Review	1907
May 11	Placed on Select File	1927
May 20	Carsten amendment adopted. Advanced for Engrossment	2138
May 21	Correctly Engrossed	2188
May 29	Final Reading	2410
May 29	President signed	2420
May 29	Presented to Governor	2421
June 4	Approved by Governor	2435

LEGISLATIVE BILL 397 By Wesely

Jan. 20	Read first time	272
Jan. 26	Referred to Committee on Revenue	322
Feb. 5	Notice of hearing	447
Mar. 23	Indefinitely postponed	1066

LEGISLATIVE BILL 398 By Hefner

Jan. 20	Read first time	272
Jan. 26	Referred to Committee on Public Works	322
Jan. 27	Notice of hearing	336
Mar. 19	Indefinitely postponed	1030

LEGISLATIVE BILL 399 By Goodrich

Jan. 20	Read first time	273
Jan. 26	Referred to Committee on Nebraska Retirement Systems	322
Jan. 30	Notice of hearing	382

LEGISLATIVE BILL 400 By Lamb, Kremer

Jan. 20	Read first time	273
Jan. 26	Referred to Committee on Public Works	322
Jan. 27	Notice of hearing	336
Mar. 16	Marvel priority bill	949
Apr. 8	Placed on General File	1360
Apr. 23	Vickers amendment printed	1540
May 5	Laid over	1761

LEGISLATIVE BILL 401 By Lamb

Jan. 20	Read first time	273
Jan. 26	Referred to Committee on Public Works	322
Jan. 27	Notice of hearing	336
Mar. 19	Koch name added	1044
Mar. 26	Placed on General File	1140

LEGISLATIVE BILL 402 By Nichol

Jan. 20	Read first time	273
Jan. 27	Referred to Committee on Judiciary	337
Feb. 2	Notice of hearing	390
Apr. 28	Placed on General File	1613

LEGISLATIVE BILL 403 By V. Johnson

Jan. 20	Read first time	274
Jan. 27	Referred to Committee on Banking, Commerce and Insurance	337
Feb. 3	Notice of hearing	411
Feb. 4	Notice of hearing (reset)	417
Mar. 12	Placed on General File	874

LEGISLATIVE BILL 404 By Marvel, Fowler, DeCamp, Maresh, Rumery

Jan. 20	Read first time	274
Jan. 27	Referred to Committee on Public Health and Welfare	337
Jan. 30	Notice of hearing	378
Feb. 18	Fowler priority bill	557
Mar. 31	Placed on General File	1216
Apr. 16	Fowler amendment printed	1521
Apr. 28	Committee amendment adopted as amended by Fowler. Advanced for Review	1610
Apr. 28	Warner amendment printed	1614
Apr. 30	Placed on Select File	1645
May 8	E and R amendment adopted. Warner pending amendment p. 1614 adopted. Cullan amendment to Warner pending amendment p. 1614 lost. Warner amendment adopted. Advanced for Engrossment	1888
May 14	Correctly Engrossed. E & R changes	2030
May 18	Warner amendment printed	2073
May 21	Schmit amendment printed	2165
May 29	Wesely name added	2405

LEGISLATIVE BILL 405 By V. Johnson

Jan. 20	Read first time	274
Jan. 27	Referred to Committee on Business and Labor	337
Jan. 30	Notice of hearing	382
Mar. 23	Indefinitely postponed	1065

LEGISLATIVE BILL 406 By Government, Military and Veterans Affairs Committee

Jan. 20	Read first time	274
Jan. 27	Referred to Committee on Miscellaneous Subjects	337
Jan. 29	Kahle-Chambers-Chronister-Landis-V. Johnson-Kilgarin motion to	

	re-refer laid over	366
Mar. 13	Miscellaneous Subjects Committee priority bill	925
May 5	Notice of hearing	1763
May 20	Placed on General File	2163
May 21	Hefner amendment printed	2193
May 22	Committee amendments adopted as amended by Hefner pending amendment p. 2193 (1) and Hefner amendments (2) and (3). Advanced for Review	2217
May 22	Placed on Select File	2233
May 26	E and R amendments adopted. Wagner amendment adopted. Hefner amendment to Committee amendment adopted. Cope amendment adopted	2261
May 26	Newell-Fitzgerald-Koch-Stoney-Wiitala-Labedz-Kilgarin amendment to Committee amendment withdrawn. Advanced for Engrossment	2262
May 26	Correctly Engrossed. E and R changes	2297
May 28	Final Reading	2371
May 28	President signed	2375
May 28	Presented to Governor	2376
May 29	H. Peterson explanation of vote	2405
May 29	Approved by Governor	2409

LEGISLATIVE BILL 407 By Government, Military and Veterans Affairs Committee

Jan. 20	Read first time	274
Jan. 27	Referred to Committee on Government, Military and Veterans Affairs	337
Feb. 5	Notice of hearing	448
Mar. 6	Attorney General's Opinion	773
Mar. 9	Placed on General File	809
Mar. 27	Advanced for Review	1164
Mar. 31	Placed on Select File	1202
Apr. 6	Advanced for Engrossment	1300
Apr. 7	Correctly Engrossed	1337
Apr. 7	Final Reading	1432
Apr. 13	President signed	1450
Apr. 14	Presented to Governor	1458
Apr. 15	Approved by Governor	1502

LEGISLATIVE BILL 408 By DeCamp

Jan. 20	Read first time	275
Jan. 27	Referred to Committee on Public Works	337
Jan. 28	Notice of hearing	345
Feb. 26	Notice of hearing (cancel)	675

LEGISLATIVE BILL 409 By Haberman

Jan. 20	Read first time	275
Jan. 27	Referred to Committee on Banking, Commerce and Insurance	337
Feb. 2	Notice of hearing	389
Feb. 11	Placed on General File	506
Feb. 25	Committee amendment adopted. Advanced for Review	668
Feb. 27	Placed on Select File	688
Mar. 3	E and R amendment adopted. Advanced for Engrossment	733
Mar. 6	Correctly Engrossed	771
Mar. 11	Final Reading	854
Mar. 12	Speaker signed	872
Mar. 12	Presented to Governor	887
Mar. 17	Approved by Governor	951
Mar. 17	Higgins explanation of vote	966

LEGISLATIVE BILL 410 By Landis

Jan. 20	Read first time	275
Jan. 27	Referred to Committee on Business and Labor	337
Jan. 30	Notice of hearing	382
Mar. 27	Placed on General File	1159

LEGISLATIVE BILL 411 By Sieck

Jan. 20	Read first time	275
Jan. 27	Referred to Committee on Judiciary	337
Feb. 3	Notice of hearing	402
Mar. 23	Placed on General File	1073
May 1	Committee amendments adopted. Advanced for Review	1692
May 7	Placed on Select File	1816
May 8	E and R amendments adopted. Advanced for Engrossment	1865
May 12	Correctly Engrossed	1974
May 12	E and R changes	1977
May 12	Sieck amendment printed	1982
May 19	Returned to Select File for Sieck pending	

	amendment. Passed over	2104
May 26	Sieck pending amendment p. 1982 adopted. Advanced for Re-Engrossment	2296
May 27	Correctly Re-Engrossed	2316
May 27	E and R changes	2317
May 27	Returned to Select File for Hoagland amendment. Hoagland amendment adopted. Advanced for Re-Engrossment	2332
May 27	Correctly Re-Engrossed. E & R changes	2352
May 29	Final Reading	2411
May 29	President signed	2420
May 29	Presented to Governor	2421
June 4	Approved by Governor	2434

LEGISLATIVE BILL 412 By Newell

Jan. 20	Read first time	275
Jan. 27	Referred to Committee on Revenue	337
Feb. 5	Notice of hearing	448
Mar. 13	Placed on General File	915
Mar. 13	Newell priority bill	924
Apr. 6	Committee amendment adopted. Newell amendments lost. Warner amendment adopted. Koch-DeCamp amendment lost	1306
May 11	Newell amendment printed	1927
May 13	Newell pending amendment adopted. Warner motion to indefinitely postpone lost. Warner amendment pending. Newell amendment to Warner amendment withdrawn	2004
May 18	Warner motion to bracket lost. Warner pending amendment p. 2006 withdrawn. Advanced for Review	2078
May 18	Warner amendment printed	2086
May 19	Placed on Select File	2112
May 20	E and R amendment adopted. Warner pending amendment p. 2086 adopted. Fowler motion to indefinitely postpone laid over	2158
May 22	Fowler pending motion withdrawn. Newell amendment lost. Advanced for Review	2220
May 26	Advanced for Engrossment. Correction	2245
May 22	Correctly Engrossed. E and R changes	2235
June 4	Attorney General's Opinion	2439

LEGISLATIVE BILL 413 By Chambers

Jan. 20	Read first time	276
Jan. 27	Referred to Committee on Judiciary	337
Feb. 2	Notice of hearing	390
Feb. 27	Placed on General File	694

LEGISLATIVE BILL 414 By Chambers

Jan. 20	Read first time	276
Jan. 27	Referred to Committee on Judiciary	337
Feb. 3	Notice of hearing	402

LEGISLATIVE BILL 415 By Public Health and Welfare Committee

Jan. 20	Read first time	276
Jan. 27	Referred to Committee on Public Health and Welfare	337
Feb. 4	Notice of hearing	433
Mar. 3	Notice of hearing (reset)	722
Mar. 19	Placed on General File	1023

LEGISLATIVE BILL 416 By Cullan

Jan. 20	Read first time	276
Jan. 27	Referred to Committee on Constitutional Revision and Recreation	337
Feb. 2	Notice of hearing	390

LEGISLATIVE BILL 417 By Cullan

Jan. 20	Read first time	277
Jan. 27	Referred to Committee on Public Works	337
Jan. 28	Notice of hearing	345
Mar. 11	Placed on General File	857
May 1	Committee amendments laid over	1685

LEGISLATIVE BILL 418 By Cullan

Jan. 20	Read first time	277
Jan. 27	Referred to Committee on Government, Military and Veterans Affairs	337
Feb. 5	Notice of hearing	448
Mar. 12	Placed on General File	896

LEGISLATIVE BILL 419 By Newell

Jan. 20	Read first time	277
Jan. 27	Referred to Committee on Constitutional Revision and Recreation	337
Feb. 2	Notice of hearing	390
Feb. 18	Indefinitely postponed	559

LEGISLATIVE BILL 420 By Urban Affairs Committee

Jan. 20	Read first time	277
Jan. 27	Referred to Committee on Urban Affairs	337
Feb. 3	Notice of hearing	411
Mar. 13	Landis amendment printed	922
Mar. 19	Indefinitely postponed	1017

LEGISLATIVE BILL 421 By Banking, Commerce and Insurance Committee

Jan. 20	Read first time	278
Jan. 27	Referred to Committee on Public Health and Welfare	337
Jan. 28	Reference Committee motion to withdraw from Committee adopted	349
Jan. 30	Re-referred to Committee on Banking, Commerce and Insurance	378
Feb. 3	Notice of hearing	412
Feb. 12	Notice of hearing (reset)	521
Mar. 12	Placed on General File	888

LEGISLATIVE BILL 422 By Labedz

Jan. 20	Read first time	278
Jan. 27	Referred to Committee on Public Health and Welfare	337
Feb. 4	Notice of hearing	432
Feb. 26	Indefinitely postponed	676

LEGISLATIVE BILL 423 By Hoagland

Jan. 20	Read first time	278
Jan. 27	Referred to Committee on Education	338
Jan. 29	Notice of hearing	356
Feb. 4	Notice of hearing (cancel)	422
Feb. 9	Notice of hearing (reset)	476
Mar. 18	Sieck name added	997

Mar. 23	Placed on General File	1060

LEGISLATIVE BILL 424 By Rumery

Jan. 20	Read first time	278
Jan. 27	Referred to Committee on Nebraska Retirement Systems	338
Jan. 30	Notice of hearing	382
Mar. 19	Placed on General File	1006

LEGISLATIVE BILL 425 By Dworak, Barrett

Jan. 20	Read first time	279
Jan. 27	Referred to Committee on Banking, Commerce and Insurance	338
Feb. 3	Notice of hearing	411
Feb. 18	Placed on General File	563
Mar. 6	Committee amendment adopted. Advanced for Review	781
Mar. 10	Placed on Select File	817
Mar. 13	E and R amendment adopted. Advanced for Engrossment	918
Mar. 16	Correctly Engrossed	943
Mar. 24	Final Reading	1100
Mar. 25	Speaker signed	1122
Mar. 25	Presented to Governor	1127
Mar. 26	Approved by Governor	1155

LEGISLATIVE BILL 426 By Dworak

Jan. 20	Read first time	279
Jan. 27	Referred to Committee on Banking, Commerce and Insurance	338
Feb. 3	Notice of hearing	412
Mar. 12	Placed on General File	894

LEGISLATIVE BILL 427 By Wiitala

Jan. 20	Read first time	279
Jan. 27	Referred to Committee on Education	338
Jan. 29	Notice of hearing	356
Mar. 13	Placed on General File	899
Mar. 27	Wagner amendment adopted. Advanced for Review	1165
Mar. 31	Placed on Select File	1202
Apr. 6	Advanced for Engrossment	1300

Apr. 7	Correctly Engrossed	1337
May 12	Final Reading	1949
May 12	Warner explanation of vote	1950
May 12	Speaker signed	1962
May 12	Presented to Governor	1977
May 18	Approved by Governor	2077

LEGISLATIVE BILL 427A By Wiitala

Mar. 23	Read first time. Placed on General File	1080
Mar. 27	Advanced for Review	1165
Mar. 31	Placed on Select File	1203
Apr. 6	Advanced for Engrossment	1300
Apr. 7	Correctly Engrossed	1337
May 12	Final Reading	1950
May 12	Warner explanation of vote	1951
May 12	Speaker signed	1962
May 12	Presented to Governor	1977
May 18	Approved by Governor	2077

LEGISLATIVE BILL 428 By V. Johnson

Jan. 20	Read first time	279
Jan. 27	Referred to Committee on Judiciary	338
Feb. 3	Notice of hearing	402
Apr. 1	Placed on General File	1244
May 1	Advanced for Review	1682
May 4	Placed on Select File	1725
May 8	E and R amendments adopted. Advanced for Engrossment	1863
May 11	Correctly Engrossed	1900
May 11	V. Johnson amendment printed	1904

LEGISLATIVE BILL 429 By Fowler

Jan. 20	Read first time	279
Jan. 27	Referred to Committee on Miscellaneous Subjects	338
Feb. 4	Notice of hearing	428

LEGISLATIVE BILL 430 By DeCamp

Jan. 20	Read first time	280
Jan. 27	Referred to Committee on Miscellaneous Subjects	338
Feb. 4	Notice of hearing	428

Feb. 17	Notice of hearing (reset)	553
Mar. 16	Indefinitely postponed	937

LEGISLATIVE BILL 431 By Newell

Jan. 20	Read first time	280
Jan. 27	Referred to Committee on Miscellaneous Subjects	338
Feb. 2	Notice of hearing	390
Mar. 6	Placed on General File	781

LEGISLATIVE BILL 432 By Hoagland, DeCamp

Jan. 20	Read first time	280
Jan. 27	Referred to Committee on Judiciary	338
Feb. 3	Notice of hearing	402
Mar. 11	DeCamp withdrew name	868

LEGISLATIVE BILL 433 By Urban Affairs Committee

Jan. 20	Read first time	280
Jan. 27	Referred to Committee on Public Health and Welfare	338
Jan. 30	Notice of hearing	379
Feb. 26	Indefinitely postponed	676

LEGISLATIVE BILL 434 By Urban Affairs Committee

Jan. 20	Read first time	281
Jan. 27	Referred to Committee on Urban Affairs	338
Feb. 3	Notice of hearing	410
Feb. 17	Placed on General File	546
Feb. 26	Advanced for Review	680
Mar. 2	Placed on Select File	700
Mar. 4	Advanced for Engrossment	743
Mar. 9	Correctly Engrossed	809
Mar. 12	Final Reading	881
Mar. 13	President signed	899
Mar. 13	Presented to Governor	917
Mar. 17	Approved by Governor	951

LEGISLATIVE BILL 435 By Urban Affairs Committee

Jan. 20	Read first time	281
Jan. 27	Referred to Committee on Urban Affairs	338
Feb. 3	Notice of hearing	411
Mar. 13	Urban Affairs Committee priority bill	925

May 8	Placed on General File	1869
May 26	Landis amendment printed	2258

LEGISLATIVE BILL 436 By Rumery

Jan. 20	Read first time	281
Jan. 27	Referred to Committee on Business and Labor	338
Jan. 30	Notice of hearing	382
Mar. 13	Placed on General File	920
Mar. 13	Rumery priority bill	924
Apr. 6	Failed to advance for Review	1317
Apr. 6	Koch motion to indefinitely postpone laid over	1319
May 12	Koch pending motion prevailed. Indefinitely postponed	1979

LEGISLATIVE BILL 437 By Urban Affairs Committee

Jan. 20	Read first time	282
Jan. 27	Referred to Committee on Urban Affairs	338
Feb. 3	Notice of hearing	410
Feb. 27	Placed on General File	697
Mar. 27	Committee amendment adopted. Advanced for Review	1168
Mar. 31	Placed on Select File	1203
Mar. 31	Cullan amendment printed	1226
Apr. 6	E and R amendment adopted. Cullan pending amendment adopted. Advanced for Engrossment	1301
Apr. 7	Correctly Engrossed	1343
Apr. 7	E and R changes	1344
Apr. 13	Final Reading	1433
Apr. 14	President signed	1450
Apr. 14	Presented to Governor	1458
Apr. 15	Approved by Governor	1502

LEGISLATIVE BILL 438 By Dworak

Jan. 20	Read first time	282
Jan. 27	Referred to Committee on Revenue	338
Feb. 5	Notice of hearing	448
Mar. 26	Indefinitely postponed	1152

LEGISLATIVE BILL 439 By Kilgarin

Jan. 20	Read first time	282
Jan. 27	Notice of hearing	336
Jan. 27	Referred to Committee on Education	338
Mar. 6	Indefinitely postponed	770

LEGISLATIVE BILL 440 By Kilgarin

Jan. 20	Read first time	282
Jan. 27	Referred to Committee on Education	338
Jan. 29	Notice of hearing	357
Mar. 16	Placed on General File	928
Apr. 14	Wiitala amendment printed	1471

LEGISLATIVE BILL 441 By Wesely

Jan. 20	Read first time	282
Jan. 27	Referred to Committee on Education	338
Jan. 29	Notice of hearing	356
Mar. 19	Placed on General File	1042
May 1	Committee amendments adopted. Advanced for Review	1690
May 7	Placed on Select File	1811
May 8	E and R amendment adopted. Advanced for Engrossment	1864
May 11	Correctly Engrossed	1900
May 18	Final Reading	2066
May 18	Speaker signed	2076
May 18	Presented to Governor	2085
May 22	Approved by Governor	2226

LEGISLATIVE BILL 442 By Nichol, Chambers, Sieck, Chronister, Beyer, Von Minden

Jan. 20	Read first time	283
Jan. 27	Referred to Committee on Public Health and Welfare	338
Feb. 4	Notice of hearing	433

LEGISLATIVE BILL 443 By Wiitala

Jan 20	Read first time	283
Jan. 27	Notice of hearing	336
Jan. 27	Referred to Committee on Education	338
Feb. 4	Notice of hearing (continued)	423

LEGISLATIVE BILL 444 By Government, Military and Veterans Affairs Committee

Jan. 20	Read first time	283
Jan. 27	Referred to Committee on Government, Military and Veterans Affairs	338
Jan. 30	Notice of hearing	376
Mar. 17	Placed on General File	960
Apr. 30	Kahle amendment to Committee amendment printed	1672

LEGISLATIVE BILL 445 By Government, Military and Veterans Affairs Committee

Jan. 20	Read first time	283
Jan. 27	Referred to Committee on Government, Military and Veterans Affairs	338
Jan. 30	Notice of hearing	376
Mar. 12	Indefinitely postponed	875

LEGISLATIVE BILL 446 By Government, Military and Veterans Affairs Committee

Jan. 20	Read first time	284
Jan. 27	Referred to Committee on Government, Military and Veterans Affairs	338
Jan. 30	Notice of hearing	376
Feb. 25	Placed on General File	663
Feb. 25	Kahle amendment printed	668
Mar. 11	Government, Military and Veterans Affairs Committee priority bill	860
Mar. 18	Committee amendment (12) and (13) lost. Remaining Committee amendments adopted. Kahle pending amendment p. 668 withdrawn. Kahle and Koch amendments adopted. Burrows amendment lost. Advanced for Review	993
Mar. 23	Placed on Select File	1050
Mar. 26	E and R amendment adopted. Advanced for Engrossment	1146
Mar. 30	Correctly Engrossed	1189
Apr. 2	Final Reading	1274
Apr. 6	Speaker signed	1290
Apr. 6	Presented to Governor	1299
Apr. 7	Approved by Governor	1321

LEGISLATIVE BILL 447 By Performance Review and Audit Committee

Jan. 20	Read first time	284
Jan. 27	Referred to Committee on Public Health and Welfare	338
Feb. 4	Notice of hearing	433
Mar. 30	Indefinitely postponed	1193

LEGISLATIVE BILL 448 By Performance Review and Audit Committee

Jan. 20	Read first time	284
Jan. 27	Referred to Committee on Public Health and Welfare	338
Feb. 4	Notice of hearing	433
Mar. 30	Placed on General File	1190
May 12	Lamb amendment printed	1981
May 26	Wesely motion to bracket prevailed	2254

LEGISLATIVE BILL 449 By Performance Review and Audit Committee

Jan. 20	Read first time	285
Jan. 27	Referred to Committee on Public Health and Welfare	338
Feb. 4	Notice of hearing	433
Mar. 30	Placed on General File	1190

LEGISLATIVE BILL 450 By Performance Review and Audit Committee

Jan. 20	Read first time	285
Jan. 27	Referred to Committee on Public Health and Welfare	338
Feb. 4	Notice of hearing	433
Mar. 30	Placed on General File	1191

LEGISLATIVE BILL 451 By Performance Review and Audit Committee

Jan. 20	Read first time	286
Jan. 27	Referred to Committee on Public Health and Welfare	338
Feb. 4	Notice of hearing	433
Mar. 30	Placed on General File	1191

May 1	Advanced for Review	1678
May 1	Cullan amendment printed	1683
May 4	Placed on Select File	1725
May 5	Cullan amendment printed	1773
May 8	E and R amendments adopted. Cullan pending amendments pp. 1683 and 1773 adopted. Advanced for Engrossment	1897
May 13	Correctly Engrossed. E and R changes	2002
May 20	Final Reading	2132
May 20	Speaker signed	2139
May 20	Presented to Governor	2144
May 22	Approved by Governor	2226

LEGISLATIVE BILL 452 By Landis

Jan. 20	Read first time	287
Jan. 27	Referred to Committee on Agriculture and Environment	338
Jan. 30	Notice of hearing	378
Mar. 17	Indefinitely postponed	971

LEGISLATIVE BILL 453 By Sieck

Jan. 20	Read first time	288
Jan. 27	Referred to Committee on Revenue	338
Feb. 5	Notice of hearing	447
Mar. 24	Indefinitely postponed	1089

LEGISLATIVE BILL 454 By Carsten

Jan. 20	Read first time	288
Jan. 27	Referred to Committee on Revenue	338
Feb. 5	Notice of hearing	447
Mar. 24	Placed on General File	1086

LEGISLATIVE BILL 455 By Fowler

Jan. 20	Read first time	288
Jan. 27	Notice of hearing	337
Jan. 27	Referred to Committee on Education	338
Feb. 4	Notice of hearing (continued)	423
Mar. 13	Placed on General File	899

LEGISLATIVE BILL 456 By Wesely

Jan. 20	Read first time	288
Jan. 27	Referred to Committee on Public Health and Welfare	338
Feb. 4	Notice of hearing	432

LEGISLATIVE BILL 457 By Fitzgerald, Hefner

Jan. 20	Read first time	289
Jan. 27	Referred to Committee on Miscellaneous Subjects	338
Feb. 2	Notice of hearing	390
Feb. 17	Placed on General File	549
Feb. 27	Advanced for Review	691
Mar. 3	Placed on Select File	730
Mar. 5	Maresh amendment adopted. Advanced for Engrossment	758
Mar. 10	Correctly Engrossed. E and R change	818
Mar. 13	Final Reading	904
Mar. 16	Speaker signed	929
Mar. 16	Presented to Governor	943
Mar. 17	Approved by Governor	951

LEGISLATIVE BILL 458 By Nebraska Retirement Systems Committee

Jan. 20	Read first time	289
Jan. 27	Referred to Committee on Nebraska Retirement Systems	338
Jan. 30	Notice of hearing	382

LEGISLATIVE BILL 459 By Nebraska Retirement Systems Committee

Jan. 20	Read first time	289
Jan. 27	Referred to Committee on Nebraska Retirement Systems	338
Jan. 28	Notice of hearing	346
Feb. 11	Placed on General File	504
Feb. 24	Committee amendments adopted. Advanced for Review	646
Feb. 26	Placed on Select File	672
Mar. 3	E and R amendments adopted. Fowler and Dworak amendments adopted. Advanced for Engrossment	733
Mar. 6	Correctly Engrossed. E and R changes	771
May 19	Final Reading	2105

May 19	Speaker signed	2112
May 19	Presented to Governor	2116
May 22	Approved by Governor	2243

LEGISLATIVE BILL 459A By Fowler

Mar. 3	Read first time. Placed on General File	722
Mar. 5	Advanced for Review	760
Mar. 9	Placed on Select File	789
Mar. 10	Advanced for Engrossment	828
Mar. 11	Correctly Engrossed	856
Mar. 24	Fowler amendment printed	1118
May 11	Returned to Select File for Fowler amendment. Fowler pending amendment adopted. Advanced for Re-Engrossment	1923
May 12	Correctly Re-Engrossed	1974
May 19	Final Reading	2105
May 19	Speaker signed	2112
May 19	Presented to Governor	2116
May 22	Approved by Governor	2243

LEGISLATIVE BILL 460 By Nebraska Retirement Systems Committee

Jan. 20	Read first time	289
Jan. 27	Referred to Committee on Banking, Commerce and Insurance	338
Feb. 3	Notice of hearing	411
Mar. 11	Placed on General File	844
May 26	Advanced for Review	2258
May 26	Placed on Select File	2259
May 27	E and R amendment adopted. Beutler amendment adopted. Advanced for Engrossment	2311
May 27	Correctly Engrossed. E and R changes	2334
May 29	Beutler motion to return to Select File lost	2412
May 29	Final Reading	2413
May 29	Haberman explanation of vote	2418
May 29	President signed	2420
May 29	Presented to Governor	2421
June 4	Approved by Governor	2434

LEGISLATIVE BILL 461 By Nebraska Retirement Systems Committee

Jan. 20	Read first time	290
Jan. 27	Referred to Committee on Nebraska Retirement Systems	338
Jan. 30	Notice of hearing	382

LEGISLATIVE BILL 462 By Nebraska Retirement Systems Committee

Jan. 20	Read first time	290
Jan. 27	Referred to Committee on Nebraska Retirement Systems	338
Jan. 30	Notice of hearing	381
Feb. 18	Placed on General File	559
Feb. 27	Advanced for Review	698
Mar. 3	Placed on Select File	730
Mar. 5	E and R amendments adopted. Advanced for Engrossment	759
Mar. 9	Correctly Engrossed	809
Mar. 12	Final Reading	882
Mar. 13	President signed	899
Mar. 13	Presented to Governor	917
Mar. 17	Approved by Governor	951

LEGISLATIVE BILL 463 By Nebraska Retirement Systems Committee

Jan. 20	Read first time	290
Jan. 27	Referred to Committee on Nebraska Retirement Systems	338
Jan. 30	Notice of hearing	382
Mar. 16	Marvel priority bill	949
Mar. 19	Placed on General File	1009
Apr. 13	Committee amendments adopted. Advanced for Review	1442
Apr. 15	Placed on Select File	1475
May 4	E and R amendment adopted. Advanced for Engrossment	1713
May 6	Correctly Engrossed	1801
May 13	Final Reading	1992
May 13	President signed	1998
May 13	Presented to Governor	2009
May 18	Approved by Governor	2075

LEGISLATIVE BILL 464 By Nebraska Retirement Systems Committee

Jan. 20	Read first time	290
Jan. 27	Referred to Committee on Nebraska Retirement Systems	338
Jan. 30	Notice of hearing	382

LEGISLATIVE BILL 465 By Pirsch

Jan. 20	Read first time	291
Jan. 27	Referred to Committee on Judiciary	338
Feb. 2	Notice of hearing	390
Feb. 27	Placed on General File	696

LEGISLATIVE BILL 466 By Labedz

Jan. 20	Read first time	291
Jan. 27	Referred to Committee on Public Health and Welfare	338
Feb. 4	Notice of hearing	432
Mar. 11	Labedz priority bill	871
Mar. 12	Placed on General File	888
Mar. 19	Cullan name added	1044
Mar. 30	Committee amendments adopted. Marsh motion to indefinitely postpone lost	1197
Apr. 1	Advanced for Review	1266
Apr. 6	Placed on Select File	1290
Apr. 10	Attorney General's Opinion	1404
Apr. 10	E and R amendment adopted. Landis-Fowler motion to indefinitely postpone laid over	1409
Apr. 23	Labedz amendment printed	1546
Apr. 24	Chambers motion p. 1409 (Correction)	1549
Apr. 24	Attorney General's Opinion	1564
Apr. 24	Chambers pending motion p. 1409 withdrawn. Labedz amendment adopted. Landis-Fowler motion to indefinitely postpone laid over	1569
Apr. 29	Marsh amendment printed	1629
Apr. 30	Landis-Fowler pending motion p. 1569 lost. Labedz pending amendment p. 1546 renewed. V. Johnson amendment to Labedz pending amendment lost	1662
May 14	Labedz pending amendment p. 1546 adopted as amended by Beutler. Marsh amendment to pending Labedz amendment lost. Chambers amendment lost. Marsh	

	pending amendment p. 1629 lost. Advanced for Engrossment	2047
May 18	Correctly Engrossed. E and R changes	2072
May 21	Returned to Select File for Labedz-Cullan amendment	2175
May 21	Labedz-Cullan pending amendment adopted. Advanced for Re-Engrossment	2176
May 22	Correctly Re-Engrossed	2208
May 22	E and R changes	2209
May 28	Final Reading	2366
May 28	President signed	2371
May 28	Presented to Governor	2375
May 29	Approved by Governor	2421

LEGISLATIVE BILL 467 By Barrett

Jan. 20	Read first time	291
Jan. 27	Referred to Committee on Revenue	338
Feb. 5	Notice of hearing	447
Feb. 24	Notice of hearing (reset)	646

LEGISLATIVE BILL 468 By Chronister

Jan. 20	Read first time	291
Jan. 27	Referred to Committee on Agriculture and Environment	339
Jan. 30	Notice of hearing	378
Mar. 17	Indefinitely postponed	971

LEGISLATIVE BILL 469 By Koch

Jan. 20	Read first time	292
Jan. 27	Referred to Committee on Urban Affairs	339
Feb. 3	Notice of hearing	411
Mar. 13	Indefinitely postponed	919

LEGISLATIVE BILL 470 By Business and Labor Committee

Jan. 20	Read first time	292
Jan. 27	Referred to Committee on Business and Labor	339
Jan. 30	Notice of hearing	382
Mar. 13	Business and Labor Committee priority bill	925
Mar. 27	Placed on General File	1161
Apr. 24	Committee amendment adopted. Advanced for Review	1576

Apr. 28	Placed on Select File	1600
May 8	Advanced for Engrossment	1863
May 11	Correctly Engrossed	1900
May 18	Final Reading	2066
May 18	Speaker signed	2076
May 18	Presented to Governor	2085
May 22	Approved by Governor	2226

LEGISLATIVE BILL 471 By Hoagland

Jan. 20	Read first time	292
Jan. 27	Referred to Committee on Miscellaneous Subjects	339
Feb. 4	Notice of hearing	427
Mar. 23	Indefinitely postponed	1065

LEGISLATIVE BILL 472 By Hoagland

Jan. 20	Read first time	292
Jan. 27	Referred to Committee on Education	339
Jan. 29	Notice of hearing.	356
Mar. 13	Placed on General File	899
Apr. 30	Hoagland amendment printed	1673
May 1	Hoagland pending amendment adopted. Advanced for Review	1678
May 4	Placed on Select File	1725
May 6	Hoagland amendment printed	1790
May 8	E and R amendments adopted. Hoagland pending amendment p. 1790 adopted. Advanced for Engrossment	1896
May 11	Correctly Engrossed	1900
May 11	E and R changes	1903
May 22	Final Reading	2215
May 22	Speaker signed	2223
May 22	Presented to Governor	2225
May 29	Approved by Governor	2383

LEGISLATIVE BILL 472A By Hoagland

Mar. 23	Read first time. Placed on General File	1080
May 1	Advanced for Review	1682
May 4	Placed on Select File	1725
May 8	Advanced for Engrossment	1896
May 11	Correctly Engrossed	1900
May 22	Hoagland motion prevailed. Withdrawn	2215
May 22	Koch-DeCamp motion to reconsider	

	prevailed. Koch-DeCamp motion to suspend rules prevailed	2236
May 22	Returned to Select File for DeCamp-Koch-Kremer-Dworak-H. Peterson-Warner-Wiitala-Stoney-Sieck amendment	2238
May 22	DeCamp-Koch et al pending amendment adopted. Advanced for Re-Engrossment	2240
May 26	Correctly Re-Engrossed	2245
May 26	Haberman amendment printed	2268
May 28	Attorney General's Opinion	2356

LEGISLATIVE BILL 473 By Cullan

Jan. 20	Read first time	293
Jan. 27	Referred to Committee on Public Works	339
Jan. 28	Notice of hearing	345

LEGISLATIVE BILL 474 By Constitutional Revision and Recreation Committee

Jan. 20	Read first time	293
Jan. 27	Referred to Committee on Constitutional Revision and Recreation	339
Feb. 2	Notice of hearing	390

LEGISLATIVE BILL 475 By Constitutional Revision and Recreation Committee

Jan. 20	Read first time	293
Jan. 27	Referred to Committee on Judiciary	339
Feb. 3	Notice of hearing	402
Feb. 11	Notice of hearing (reset)	495
Feb. 20	Placed on General File	603
Mar. 9	Committee amendment adopted. Advanced for Review	804
Mar. 11	Placed on Select File	841
Mar. 13	E and R amendments adopted. Advanced for Engrossment	919
Mar. 16	Correctly Engrossed	943
Mar. 24	Final Reading title. Chambers motions to return to Select File lost. Chambers motion to lay over lost	1101
Mar. 24	Final Reading	1102
Mar. 25	Speaker signed	1122
Mar. 25	Presented to Governor	1127
Mar. 26	Approved by Governor	1155

LEGISLATIVE BILL 476 By Constitutional Revision and Recreation Committee

Jan. 20	Read first time	293
Jan. 27	Referred to Committee on Constitutional Revision and Recreation	339
Feb. 2	Notice of hearing	390
Feb. 18	Placed on General File	559
Feb. 27	Committee amendment adopted	698
Mar. 3	DeCamp motion prevailed. Indefinitely postponed	734

LEGISLATIVE BILL 477 By Pirsch

Jan. 20	Read first time	294
Jan. 27	Referred to Committee on Judiciary	339
Feb. 3	Notice of hearing	401
Mar. 13	Pirsch priority bill	925
Mar. 16	Placed on General File	944
Apr. 7	Committee amendments adopted. Advanced for Review	1337
Apr. 9	Placed on Select File	1365
Apr. 15	E and R amendment adopted. Advanced for Engrossment	1485
Apr. 23	Correctly Engrossed	1529
Apr. 28	Passed over	1608
May 21	Final Reading	2181
May 21	Speaker signed	2189
May 21	Presented to Governor	2195
May 26	Approved by Governor	2253

LEGISLATIVE BILL 477A By Pirsch

May 1	Read first time. Placed on General File	1684
May 11	Advanced for Review	1907
May 11	Placed on Select File	1927
May 14	Advanced for Engrossment	2053
May 18	Correctly Engrossed	2060
May 21	Final Reading	2182
May 21	Speaker signed	2189
May 21	Presented to Governor	2195
May 26	Approved by Governor	2253

LEGISLATIVE BILL 478 By Pirsch

Jan. 20	Read first time	294
Jan. 27	Referred to Committee on Revenue	339
Feb. 3	Notice of hearing	404
Mar. 6	Placed on General File	781
Mar. 23	Hoagland amendment printed	1078
Mar. 27	Committee amendment adopted. Hoagland pending amendment lost. Advanced for Review	1173
Apr. 1	Placed on Select File	1237
Apr. 1	Landis-H. Peterson amendment printed	1252
Apr. 7	E and R amendment adopted. Landis-H. Peterson pending amendment withdrawn. Landis-H. Peterson amendment adopted. Advanced for Engrossment	1325
Apr. 8	Correctly Engrossed	1359
Apr. 8	E and R changes	1360
Apr. 13	Landis amendment printed	1427
Apr. 14	Returned to Select File for Landis amendment. Landis pending amendment p. 1427 adopted. Advanced for Re-Engrossment. Returned to Select File for DeCamp-Wagner-Fitzgerald amendment. DeCamp-Wagner-Fitzgerald amendment adopted. Advanced for Re-Engrossment	1455
Apr. 14	Wesely motion to return to Select File withdrawn	1456
Apr. 16	Correctly Re-Engrossed	1524
Apr. 16	E and R changes	1525
Apr. 27	Final Reading	1582
Apr. 27	Higgins explanation of vote	1591
Apr. 28	Speaker signed	1600
Apr. 28	Presented to Governor	1609
May 4	Approved by Governor	1700

LEGISLATIVE BILL 479 By Revenue Committee

Jan. 20	Read first time	294
Jan. 27	Referred to Committee on Revenue	339
Feb. 5	Notice of hearing	447
Mar. 11	Placed on General File	866
Mar. 13	Revenue Committee priority bill	925
Mar. 30	Committee amendment adopted. Advanced for Review	1196
Apr. 1	Placed on Select File	1238
Apr. 7	Advanced for Engrossment	1328

Apr. 8	Correctly Engrossed	1359
Apr. 14	Final Reading	1456
Apr. 15	Speaker signed	1477
Apr. 15	Presented to Governor	1488
Apr. 15	Approved by Governor	1502

LEGISLATIVE BILL 480 By Hoagland, Beyer

Jan. 20	Read first time	294
Jan. 27	Referred to Committee on Revenue	339
Feb. 5	Notice of hearing	447

LEGISLATIVE BILL 481 By Fenger

Jan. 20	Read first time	295
Jan. 27	Referred to Committee on Revenue	339
Feb. 5	Notice of hearing	447
Mar. 23	Indefinitely postponed	1066

LEGISLATIVE BILL 482 By Miscellaneous Subjects Committee

Jan. 20	Read first time	295
Jan. 27	Referred to Committee on Miscellaneous Subjects	339
Feb. 2	Notice of hearing	390
Feb. 20	Indefinitely postponed	613

LEGISLATIVE BILL 483 By Miscellaneous Subjects Committee

Jan. 20	Read first time	295
Jan. 27	Referred to Committee on Miscellaneous Subjects	339
Feb. 4	Notice of hearing	428
Feb. 27	Placed on General File	693
Mar. 27	Advanced for Review	1162
Mar. 31	Placed on Select File	1202
Apr. 1	Labedz amendment printed	1261
Apr. 2	Maresh-DeCamp amendment lost. Labedz-Newell amendment adopted as amended by DeCamp-Labedz-Newell amendment. Advanced for Engrossment	1283
Apr. 6	Labedz amendment printed	1308
Apr. 6	Correctly Engrossed	1317
Apr. 6	E and R changes	1318
Apr. 8	Labedz-Hefner amendment printed	1362
Apr. 10	Labedz pending amendment p. 1308	

withdrawn. Chambers motion to return to Select File lost 1396
Apr. 10 Returned to Select File for Labedz-Hefner pending amendment p. 1362. Labedz-Hefner pending amendment adopted. Advanced for Re-Engrossment. Chambers motion to return to Select File lost 1397
Apr. 13 Correctly Re-Engrossed........................1445
Apr. 13 E and R changes........................1446
Apr. 16 Final Reading........................1505
Apr. 16 Speaker signed........................1513
Apr. 16 Presented to Governor. Approved by Governor 1520

LEGISLATIVE BILL 484 By Wiitala

Jan. 20 Read first time........................295
Jan. 27 Referred to Committee on Appropriations........................339
Jan. 29 Notice of hearing........................364
Mar. 19 Indefinitely postponed........................1013

LEGISLATIVE BILL 485 By Sieck

Jan. 20 Read first time........................296
Jan. 27 Referred to Committee on Public Works........................339
Jan. 28 Notice of hearing........................345
Mar. 23 Placed on General File........................1052
May 1 Committee amendments adopted. Advanced for Review........................1691
May 7 Placed on Select File........................1811
May 8 E and R amendments adopted. Advanced for Engrossment........................1864
May 12 Correctly Engrossed........................1974
May 12 E and R changes........................1977
May 19 Final Reading........................2106
May 19 Speaker signed........................2112
May 19 Presented to Governor........................2116
May 22 Approved by Governor........................2226

LEGISLATIVE BILL 486 By Fenger, Beyer, DeCamp, Hefner, Von Minden, Beutler, Goll, Burrows, Maresh, Haberman, Kahle, Wagner, Schmit, R. Peterson, Remmers

Jan. 20	Read first time	296
Jan. 27	Referred to Committee on Revenue	339
Feb. 5	Notice of hearing	447
Mar. 12	Wagner priority bill	875
Mar. 13	Placed on General File	914
Apr. 6	Committee amendments adopted. Advanced for Review	1317
Apr. 8	Placed on Select File	1346
Apr. 15	E and R amendment adopted. Advanced for Engrossment	1484
Apr. 16	Correctly Engrossed	1524
Apr. 27	Final Reading	1583
Apr. 28	Speaker signed	1600
Apr. 28	Presented to Governor	1609
Apr. 30	Approved by Governor	1669

LEGISLATIVE BILL 487 By Wesely, V. Johnson

Jan. 20	Read first time	296
Jan. 27	Referred to Committee on Public Health and Welfare	339
Feb. 4	Notice of hearing	432
Mar. 19	Placed on General File	1036
May 1	Committee amendments adopted. Advanced for Review	1689
May 7	Placed on Select File	1810
May 13	Schmit amendment printed	1997
May 27	E and R amendments adopted. Schmit pending amendment adopted as amended by Wesely. Wesely-V. Johnson amendment adopted. Wesely amendment adopted. Advanced for Engrossment	2299
May 27	Schmit name added	2311
May 27	Correctly Engrossed	2352
May 27	E and R changes	2353
May 29	Final Reading	2413
May 29	President signed	2420
May 29	Presented to Governor	2421
June 4	Approved by Governor	2434

LEGISLATIVE BILL 487A By Wesely

May 11	Read first time. Placed on General File	1932
May 13	Advanced for Review	1996
May 13	Placed on Select File	2000
May 27	Wesely amendment adopted. Warner	

amendment to Wesely amendment lost.
Advanced for Engrossment 2307
May 27 Schmit name added.............................2311
May 27 Correctly Engrossed...........................2352
May 27 E and R changes...............................2353
May 29 Final Reading.................................2415
May 29 President signed..............................2420
May 29 Presented to Governor.........................2421
June 4 Approved by Governor..........................2434

LEGISLATIVE BILL 488 By Goodrich

Jan. 20 Read first time...............................296
Jan. 27 Referred to Committee on Government,
Military and Veterans Affairs................339
Feb. 5 Notice of hearing.............................448
Mar. 24 Placed on General File.......................1106
May 19 Committee amendments adopted as amended
by Beutler-Wesely amendment. Vickers
amendment to Committee amendment
lost. Advanced for Review 2119
May 20 Placed on Select File.........................2148
May 26 E and R amendment adopted. Higgins,
DeCamp-Goodrich, and Chambers amendments
lost. Chambers motion to indefinitely
postpone lost. Advanced for Engrossment ...2277
May 27 Correctly Engrossed...........................2316
May 29 Clark motion to lay over prevailed 2415

LEGISLATIVE BILL 489 By L. Johnson, H. Peterson, Carsten

Jan. 20 Read first time...............................297
Jan. 27 Referred to Committee on Judiciary 339
Feb. 3 Notice of hearing.............................402
Mar. 6 Attorney General's Opinion 774
Mar. 13 H. Peterson priority bill 925
May 6 Indefinitely postponed........................1796

LEGISLATIVE BILL 490 By Goodrich

Jan. 20 Read first time...............................305
Jan. 27 Referred to Committee on Miscellaneous
Subjects 339
Feb. 4 Notice of hearing.............................428
Mar. 16 Placed on General File........................937

LEGISLATIVE BILL 491 By Cope

Jan. 20	Read first time	306
Jan. 27	Referred to Committee on Urban Affairs	339
Feb. 3	Notice of hearing	410
Feb. 27	Placed on General File	687
Mar. 27	Committee amendment adopted. Advanced for Review	1168
Mar. 31	Placed on Select File	1203
Apr. 6	Advanced for Engrossment	1301
Apr. 7	Correctly Engrossed	1343
Apr. 13	Returned to Select File for Beutler amendment	1433
Apr. 13	Beutler pending amendment adopted. Advanced for Re-Engrossment	1434
Apr. 14	Correctly Re-Engrossed. E and R changes	1458
Apr. 23	Final Reading	1532
Apr. 24	Speaker signed	1551
Apr. 24	Presented to Governor	1569
Apr. 27	Approved by Governor	1594

LEGISLATIVE BILL 492 By Kahle

Jan. 20	Read first time	306
Jan. 27	Referred to Committee on Government, Military and Veterans Affairs	339
Feb. 5	Notice of hearing	448
Mar. 10	Placed on General File	821

LEGISLATIVE BILL 493 By Chambers

Jan. 20	Read first time	306
Jan. 27	Referred to Committee on Miscellaneous Subjects	339
Feb. 4	Notice of hearing	428

LEGISLATIVE BILL 494 By Business and Labor Committee

Jan. 20	Read first time	306
Jan. 27	Referred to Committee on Business and Labor	339
Jan. 30	Notice of hearing	382
Mar. 13	Placed on General File	920
Apr. 6	Labedz amendment printed	1302
May 1	Committee amendments adopted. Advanced for Review	1686
May 5	Placed on Select File	1771

May 26	E and R amendment adopted. Labedz pending amendment lost. Advanced for Engrossment	2284
May 27	Correctly Engrossed	2316
May 29	Final Reading	2416
May 29	President signed	2420
May 29	Presented to Governor	2421
June 4	Approved by Governor	2434

LEGISLATIVE BILL 495 By Business and Labor Committee

Jan. 20	Read first time	306
Jan. 27	Referred to Committee on Business and Labor	339
Jan. 30	Notice of hearing	382
Mar. 17	Indefinitely postponed	971

LEGISLATIVE BILL 496 By Clark

Jan. 20	Read first time	306
Jan. 27	Referred to Committee on Public Health and Welfare	339
Feb. 4	Notice of hearing	432
Feb. 26	Indefinitely postponed	676

LEGISLATIVE BILL 497 By Hoagland

Jan. 20	Read first time	307
Jan. 27	Referred to Committee on Miscellaneous Subjects	339
Feb. 4	Notice of hearing	427
Mar. 16	Placed on General File	937
May 1	Committee amendment adopted. Wesely amendment adopted. Advanced for Review	1687
May 5	Placed on Select File	1772
May 8	E and R amendment adopted. Advanced for Engrossment	1864
May 11	Correctly Engrossed	1900
May 18	Passed over	2067
May 18	DeCamp amendment printed	2073
May 21	DeCamp motion to return withdrawn	2185
May 21	Final Reading	2186
May 21	Speaker signed	2189
May 21	Presented to Governor	2195
May 22	Approved by Governor	2226

LEGISLATIVE BILL 498 By Barrett

Jan. 20	Read first time	307
Jan. 27	Referred to Committee on Education	339
Jan. 29	Notice of hearing	356
Feb. 9	Notice of hearing (reset)	476
Mar. 13	Placed on General File	899

LEGISLATIVE BILL 499 By Landis

Jan. 20	Read first time	307
Jan. 27	Referred to Committee on Public Health and Welfare	339
Feb. 4	Notice of hearing	432
Mar. 13	Landis priority bill	926
Mar. 31	Placed on General File	1212
Apr. 16	Landis amendment to Committee amendment printed	1504
Apr. 27	Committee amendments adopted as amended by pending Landis amendment. Advanced for Review	1597
Apr. 29	Placed on Select File	1621
May 4	Landis amendment printed	1707
May 8	E and R amendments adopted. Landis pending amendment adopted. Advanced for Engrossment	1888
May 13	Correctly Engrossed	2002
May 13	E and R changes	2003
May 20	Final Reading	2133
May 20	Speaker signed	2139
May 20	Presented to Governor	2144
May 22	Approved by Governor	2243

LEGISLATIVE BILL 500 By DeCamp, Beutler

Jan. 20	Read first time	308
Jan. 27	Referred to Committee on Banking, Commerce and Insurance	339
Feb. 3	Notice of hearing	411
Feb. 18	Placed on General File	563
Mar. 6	Advanced for Review	780
Mar. 10	Placed on Select File	816
Mar. 10	Dworak amendment printed	835
Mar. 13	E and R amendments adopted. Dworak pending amendment withdrawn. Dworak amendment adopted. Advanced for Engrossment	918

Mar. 16	Correctly Engrossed	943
Mar. 24	Final Reading	1103
Mar 25	Speaker signed	1122
Mar. 25	Presented to Governor	1127
Mar. 26	Approved by Governor	1155

LEGISLATIVE BILL 501 By Fenger

Jan. 20	Read first time	308
Jan. 27	Referred to Committee on Urban Affairs	339
Feb. 3	Notice of hearing	411
Mar. 5	Placed on General File	761
May 2	Advanced for Review	1678
May 4	Placed on Select File	1725
May 8	Advanced for Engrossment	1863
May 11	Correctly Engrossed	1900
May 18	Final Reading	2067
May 18	Speaker signed	2076
May 18	Presented to Governor	2085
May 22	Approved by Governor	2227

LEGISLATIVE BILL 502 By Wesely, DeCamp, Schmit

Jan. 20	Read first time	308
Jan. 26	Title (Correction)	319
Jan. 27	Referred to Committee on Public Health and Welfare	339
Jan. 30	Notice of hearing	379

LEGISLATIVE BILL 503 By Higgins

Jan. 20	Read first time	308
Jan. 26	Title (Correction)	319
Jan. 27	Referred to Committee on Judiciary	339
Feb. 3	Notice of hearing	402
Mar. 16	Marvel priority bill	949
Mar. 19	Indefinitely postponed	1044

LEGISLATIVE BILL 504 By Higgins

Jan. 20	Read first time	309
Jan. 27	Referred to Committee on Judiciary	339
Feb. 3	Notice of hearing	402
Mar. 19	Indefinitely postponed	1044

LEGISLATIVE BILL 505 By Hefner

Jan. 20	Read first time	309
Jan. 27	Referred to Committee on Business and Labor	339
Jan. 30	Notice of hearing	382
Mar. 27	Indefinitely postponed	1170

LEGISLATIVE BILL 506 By Cullan

Jan. 20	Read first time	309
Jan. 27	Referred to Committee on Revenue	339
Feb. 5	Notice of hearing	447
Feb. 17	Notice of hearing (reset)	546
Mar. 16	Marvel priority bill	949
Mar. 24	Placed on General File	1088
Apr. 16	Committee amendments adopted. Warner amendment adopted. Advanced for Review	1510
Apr. 23	Placed on Select File	1528
Apr. 29	Warner amendment printed	1629
May 5	Attorney General's Opinion	1739
May 5	Warner amendment printed	1744
May 7	E and R amendments adopted. Warner pending amendment p. 1629 adopted. Warner pending amendment p. 1744 withdrawn. Warner amendment adopted. Advanced for Engrossment	1834
May 11	Correctly Engrossed	1900
May 11	E and R changes	1903
May 20	Attorney General's Opinion	2140
May 22	Lamb and Cullan motions to return withdrawn	2212
May 22	Final Reading	2214
May 22	Speaker signed	2223
May 22	Presented to Governor	2225
May 29	Approved by Governor	2384

LEGISLATIVE BILL 506A By Cullan

Apr. 29	Read first time. Placed on General File	1640
May 11	Advanced for Review	1907
May 11	Placed on Select File	1927
May 14	Advanced for Engrossment	2053
May 18	Correctly Engrossed	2060
May 22	Warner motion to return to Select File lost	2212
May 22	Final Reading	2214

May 22	Speaker signed	2223
May 22	Presented to Governor	2225
May 29	Approved by Governor. Line item veto	2384
May 29	Motion to override line item veto lost	2428

LEGISLATIVE BILL 507 By Cullan

Jan. 20	Read first time	309
Jan. 27	Referred to Committee on Education	339
Jan. 29	Notice of hearing	356

LEGISLATIVE BILL 508 By Wesely

Jan. 20	Read first time	310
Jan. 27	Referred to Committee on Public Works	339
Jan. 28	Notice of hearing	345
Mar. 9	Attorney General's Opinion	797

LEGISLATIVE BILL 509 By Chambers

Jan. 20	Read first time	310
Jan. 27	Referred to Committee on Public Health and Welfare	339
Feb. 4	Notice of hearing	433

LEGISLATIVE BILL 510 By Lamb

Jan. 20	Read first time	310
Jan. 27	Referred to Committee on Public Health and Welfare	339
Jan. 30	Notice of hearing	379

LEGISLATIVE BILL 511 By Lamb

Jan. 20	Read first time	310
Jan. 27	Referred to Committee on Public Works	339
Jan. 28	Notice of hearing	345
Mar. 19	Placed on General File	1014

LEGISLATIVE BILL 512 By Pirsch, Beutler

Jan. 20	Read first time	310
Jan. 27	Referred to Committee on Judiciary	339
Feb. 3	Notice of hearing	402
Mar. 12	Kilgarin priority bill	875
Mar. 12	Kilgarin name added	883

Mar. 27	Placed on General File	1161
Apr. 2	H. Peterson amendment printed	1270
Apr. 8	H. Peterson amendment printed	1355
Apr. 13	DeCamp name added	1437
Apr. 27	Committee amendments lost as amended by Fenger. Advanced for Review	1593
Apr. 27	Goodrich amendment printed	1595
Apr. 29	Placed on Select File	1620
Apr. 30	Vickers-Goll amendment printed	1668
May 4	H. Peterson-Nichol-Sieck-L. Johnson amendment printed	1730
May 8	Burrows amendment printed	1897
May 18	H. Peterson-Nichol-Burrows-L. Johnson-Sieck amendment printed	2091
May 20	E and R amendments adopted. H. Peterson pending amendments pp. 1270 and 1355 withdrawn. Goodrich pending amendment p. 1595 withdrawn. H. Peterson et al pending amendment p. 1730 withdrawn. Burrows pending amendment p. 1897 withdrawn. Beutler-Pirsch-Kilgarin amendment adopted. H. Peterson et al pending amendment p. 2091 lost. Vickers-Goll pending amendment p. 1668 withdrawn. Advanced for Engrossment	2145
May 22	Correctly Engrossed. E and R changes	2235
May 26	Attorney General's Opinion	2252
May 26	Attorney General's Opinion	2255
May 28	H. Peterson motion to bracket lost. H. Peterson motion to return to Select File lost. Final Reading	2364
May 28	President signed	2371
May 28	Presented to Governor	2375
May 29	Approved by Governor	2383

LEGISLATIVE BILL 513 By Pirsch, Beutler

Jan. 20	Read first time	311
Jan. 27	Referred to Committee on Judiciary	340
Feb. 3	Notice of hearing	402

LEGISLATIVE BILL 514 By Pirsch, Beutler

Jan. 20 Read first time....................................311
Jan. 27 Referred to Committee on Judiciary 340
Feb. 3 Notice of hearing..................................402

LEGISLATIVE BILL 515 By Nichol

Jan. 20 Read first time....................................311
Jan. 27 Referred to Committee on Revenue 340
Feb. 5 Notice of hearing..................................447
Mar. 17 Attorney General's Opinion 959
Mar. 23 Indefinitely postponed...........................1066

LEGISLATIVE BILL 516 By Pirsch

Jan. 20 Read first time....................................311
Jan. 27 Referred to Committee on Judiciary 340
Feb. 3 Notice of hearing..................................402
May 6 Indefinitely postponed...........................1796

LEGISLATIVE BILL 517 By DeCamp

Jan. 20 Read first time....................................311
Jan. 27 Referred to Committee on Banking, Commerce and Insurance....................340
Feb. 3 Notice of hearing..................................412
Mar. 11 Indefinitely postponed...........................844

LEGISLATIVE BILL 518 By H. Peterson, DeCamp

Jan. 20 Read first time....................................314
Jan. 27 Referred to Committee on Business and Labor...340
Feb. 9 Attorney General's Opinion 478
Feb. 17 DeCamp-H. Peterson motion to withdraw laid over....................................543
Feb. 18 DeCamp-H. Peterson pending motion prevailed. Withdrawn 557
Apr. 14 Attorney General's Opinion 1468

LEGISLATIVE BILL 519 By DeCamp

Jan. 20 Read first time....................................314
Jan. 27 Referred to Committee on Miscellaneous Subjects 340
Feb. 4 Notice of hearing..................................428
Mar. 9 Indefinitely postponed...........................808

LEGISLATIVE BILL 520 By V. Johnson

Jan. 20 Read first time................................314
Jan. 27 Referred to Committee on Education............340
Feb. 9 Notice of hearing..............................476

LEGISLATIVE BILL 521 By V. Johnson

Jan. 20 Read first time................................314
Jan. 27 Referred to Committee on Public
Health and Welfare..........................340
Feb. 4 Notice of hearing..............................433

LEGISLATIVE BILL 522 By V. Johnson

Jan. 20 Read first time................................315
Jan. 27 Referred to Committee on Public
Health and Welfare..........................340
Feb. 4 Notice of hearing..............................433
Mar. 13 V. Johnson priority bill.........................924
Mar. 31 Placed on General File........................1218
Apr. 28 Committee amendments adopted.
Failed to advance for Review...............1611

LEGISLATIVE BILL 523 By Executive Board

Jan. 20 Read first time................................315
Jan. 27 Referred to Committee on Miscellaneous
Subjects 340
Jan. 29 Kahle-Chambers-Chronister-Landis-
V. Johnson-Kilgarin motion to re-refer
laid over.....................................366
Jan. 30 Kahle et al pending motion lost 377
Mar. 13 Miscellaneous Subjects Committee
priority bill 925
Apr. 28 Notice of hearing.............................1611
May 12 Placed on General File........................1978
May 18 Committee amendments adopted as amended
by Warner. Maresh and Carsten
amendments to Committee amendments
lost. Advanced for Review 2079
May 19 Placed on Select File 2112
May 19 Newell amendment printed 2118
May 20 Newell amendment (Correction)...............2126
May 20 E and R amendments adopted. Newell pending
amendment lost. Newell amendment

lost. Hefner amendment adopted.
Advanced for Engrossment.................2160
May 21 Correctly Engrossed. E and R changes..........2206
May 27 Final Reading..............................2341
May 27 Speaker signed.............................2354
May 28 Presented to Governor.......................2356
May 28 Koch explanation of vote....................2366
May 29 Approved by Governor........................2383

LEGISLATIVE BILL 524 By Schmit, Kahle, H. Peterson, Chronister, Von Minden

Jan. 20 Read first time..............................315
Jan. 27 Referred to Committee on Revenue.............340
Jan. 28 Notice of hearing............................344
Feb. 4 Wagner name added............................426

LEGISLATIVE BILL 525 By Sieck

Jan. 20 Read first time..............................316
Jan. 27 Referred to Committee on Judiciary...........340
Feb. 3 Notice of hearing............................402
Apr. 28 Placed on General File.......................1614

LEGISLATIVE BILL 526 By Burrows

Jan. 20 Read first time..............................316
Jan. 27 Referred to Committee on Nebraska
Retirement Systems...........................340
Feb. 5 Re-referred to Committee on Government,
Military and Veterans Affairs................441
Feb. 5 Notice of hearing............................448
Mar. 12 Indefinitely postponed.......................875

LEGISLATIVE BILL 527 By Schmit, Von Minden, Wagner, R. Peterson

Jan. 20 Read first time..............................316
Jan. 27 Referred to Committee on Public Works........340
Jan. 28 Notice of hearing............................345
Mar. 16 Chronister priority bill.....................948
May 5 Schmit-Von Minden-Chronister motion
laid over....................................1771
May 6 Schmit et al pending motion withdrawn........1778

LEGISLATIVE BILL 528 By Goodrich

Jan. 20	Read first time	317
Jan. 27	Referred to Committee on Agriculture and Environment	340
Jan. 30	Notice of hearing	378

LEGISLATIVE BILL 529 By Agriculture and Environment Committee

Jan. 20	Read first time	317
Jan. 26	Maresh name added	327
Jan. 27	Referred to Committee on Agriculture and Environment	340
Jan. 30	Notice of hearing	378
Mar. 16	Kahle priority bill	948
Apr. 2	Sieck and Kahle names added	1270
Apr. 10	Placed on General File	1419
Apr. 27	Schmit amendment to Committee amendment printed	1594
Apr. 27	Kahle-Maresh-Sieck amendment to Committee amendment printed	1595
Apr. 27	Schmit amendment to Committee amendment printed	1597
May 5	Committee amendments adopted as amended by Schmit pending amendments pp. 1594 and 1597, and Kahle-Maresh-Sieck pending amendment p. 1595 (1) and (2). Advanced for Review	1761
May 7	Placed on Select File	1816
May 8	E and R amendments adopted. Advanced for Engrossment	1865
May 12	Fenger-Chronister-L. Johnson amendment printed	1962
May 13	Chronister motion to return to Select File for pending amendment p. 1962 lost	1985
May 13	Correctly Engrossed	2002
May 13	E and R changes	2003
May 18	Chronister amendment printed	2064
May 20	Chronister motion to return to Select File overruled	2134
May 20	Final Reading	2135
May 20	Chronister motion to reconsider laid over	2139
May 21	Speaker signed	2189
May 21	Chronister pending motion withdrawn	2192

May 21	Presented to Governor	2195
May 22	Approved by Governor	2243

LEGISLATIVE BILL 529A By Schmit

Apr. 24	Read first time. Placed on General File	1569
May 5	Advanced for Review	1762
May 7	Placed on Select File	1817
May 8	Advanced for Engrossment	1865
May 13	Correctly Engrossed	2002
May 20	Final Reading	2136
May 21	Speaker signed	2189
May 21	Presented to Governor	2195
May 22	Approved by Governor	2243

LEGISLATIVE BILL 530 By Kilgarin

Jan. 20	Read first time	317
Jan. 27	Referred to Committee on Government, Military and Veterans Affairs	340
Jan. 30	Notice of hearing	376
Mar. 12	Indefinitely postponed	875

LEGISLATIVE BILL 531 By Labedz

Jan. 20	Read first time	318
Jan. 27	Referred to Committee on Constitutional Revision and Recreation	340
Feb. 2	Notice of hearing	390
Feb. 24	Placed on General File	645
Mar. 11	Constitutional Revision and Rcreation Committee priority bill	870
Mar. 19	DeCamp amendment printed	1048
Mar. 25	Committee amendments adopted. Wesely motion to indefinitely postpone withdrawn. DeCamp pending amendment adopted. Advanced for Review	1130
Mar. 27	Placed on Select File	1158
May 4	DeCamp amendment printed	1701
May 20	E and R amendments adopted. DeCamp pending amendment adopted. Advanced for Engrossment	2151
May 22	Correctly Engrossed. E and R changes	2209
May 22	DeCamp amendment printed	2219
May 27	Returned to Select File for DeCamp amendment. DeCamp amendment adopted.	

	Advanced for Re-Engrossment	2326
May 27	Correctly Re-Engrossed	2350

LEGISLATIVE BILL 532 By Koch

Jan. 20	Read first time	318
Jan. 27	Referred to Committee on Judiciary	340
Feb. 3	Notice of hearing	402
Mar. 4	Koch motion to withdraw laid over	745
Apr. 28	Indefinitely postponed	1614

LEGISLATIVE BILL 533 By Kahle at request of Governor

Jan. 28	Read first time	353
Jan. 30	Referred to Committee on Public Health and Welfare	378
Feb. 4	Notice of hearing	433

LEGISLATIVE BILL 534 By Warner at request of Governor

Jan. 29	Read first time	357
Jan. 30	Referred to Committee on Constitutional Revision and Recreation	378
Feb. 6	Notice of hearing	460
Mar. 6	Indefinitely postponed	784

LEGISLATIVE BILL 535 By Warner at request of Governor

Jan. 29	Read first time	358
Jan. 30	Referred to Committee on Constitutional Revision and Recreation	378
Feb. 6	Notice of hearing	460
Mar 6	Placed on General File	784
Mar. 27	Koch amendment lost	1163

LEGISLATIVE BILL 536 By DeCamp at request of Governor

Jan. 30	Read first time	382
Feb. 3	Referred to Committee on Government, Military and Veterans Affairs	410
Feb. 5	Notice of hearing	448
Mar. 23	Placed on General File	1060
Mar. 27	Advanced for Review	1166
Mar. 27	Beutler amendment printed	1169
Mar. 31	Placed on Select File	1203
Apr. 8	Beutler pending amendment withdrawn. Advanced for Engrossment	1354

Apr. 9	Correctly Engrossed	1376
Apr. 15	Passed over	1480
Apr. 30	Beutler motion to return to Select File lost	1660
Apr. 30	Final Reading	1661
May 4	Presented to Governor. Approved by Governor	1700
May 5	President signed (Correction)	1737

LEGISLATIVE BILL 537 By DeCamp at request of Governor

Jan. 30	Read first time	383
Feb. 3	Referred to Committee on Government, Military and Veterans Affairs	410
Feb. 5	Notice of hearing	448
Feb. 20	DeCamp motion to withdraw laid over	618
Feb. 23	DeCamp pending motion prevailed. Withdrawn	626
Feb. 25	Notice of hearing (cancel)	657

LEGISLATIVE BILL 538 By DeCamp at request of Governor

Jan. 30	Read first time	383
Feb. 3	Referred to Committee on Miscellaneous Subjects	410
Feb. 17	Notice of hearing	553
Feb. 20	DeCamp motion to withdraw laid over	618
Feb. 23	DeCamp pending motion prevailed. Withdrawn	626
Feb. 25	Notice of hearing (cancel)	658

LEGISLATIVE BILL 539 By DeCamp at request of Governor

Jan. 30	Read first time	383
Feb. 3	Referred to Committee on Constitutional Revision and Recreation	410
Feb. 6	Notice of hearing	460
Feb. 19	Notice of hearing (reset)	579
Feb. 20	DeCamp motion to withdraw laid over	618
Feb. 23	DeCamp pending motion prevailed. Withdrawn	626
Feb. 24	Notice of hearing (cancel)	645

LEGISLATIVE BILL 540 By DeCamp at request of Governor

Jan. 30	Read first time	384
Feb. 3	Referred to Committee on Banking, Commerce and Insurance	410
Feb. 4	Notice of hearing	428
Feb. 20	DeCamp motion to withdraw laid over	618
Feb. 23	DeCamp pending motion prevailed. Withdrawn	626

LEGISLATIVE BILL 541 By Nichol at request of Governor

Feb. 2	Read first time	389
Feb. 3	Referred to Committee on Judiciary	410
Feb. 5	Notice of hearing	448
Mar. 16	Marvel priority bill	949
Mar. 23	Placed on General File	1072
Apr. 16	Committee amendment adopted. Advanced for Review	1509
Apr. 23	Placed on Select File	1528
May 4	Nichol-Sieck-DeCamp-Haberman-Maresh-Kremer-Hefner-V. Johnson-Wiitala-Cullan-Fenger-Goodrich-Vickers-Koch-H. Peterson-Wagner-Von Minden-Kahle-Newell-Remmers-Chambers-R. Peterson-Higgins-Labedz amendment printed	1734
May 7	Nichol et al pending amendment adopted. Advanced for Engrossment	1829
May 11	Correctly Engrossed	1900
May 11	E and R changes	1903
May 21	Warner motion to return to Select File lost	2183
May 21	Final Reading	2184
May 21	Speaker signed	2189
May 21	Presented to Governor	2195
May 22	Approved by Governor	2243

LEGISLATIVE BILL 541A By Nichol

May 7	Read first time. Placed on General File	1833
May 11	Advanced for Review	1907
May 11	Placed on Select File	1927
May 14	Advanced for Engrossment	2053
May 18	Correctly Engrossed	2060
May 21	Final Reading	2185
May 21	Speaker signed	2189
May 21	Presented to Governor	2195
May 22	Approved by Governor	2243

LEGISLATIVE BILL 542 By Schmit at request of Governor

Feb. 2	Read first time	397
Feb. 3	Referred to Committee on Agriculture and Environment	410
Feb. 4	Notice of hearing	428
Mar. 17	Placed on General File	966

LEGISLATIVE BILL 543 By Schmit at request of Governor

Feb. 3	Read first time	404
Feb. 5	Referred to Committee on Banking, Commerce and Insurance	441
Feb. 6	Notice of hearing	460
Mar. 17	Placed on General File	971
Mar. 23	Placed on General File (Corrected Report)	1075
May 1	Committee amendments adopted. Schmit and DeCamp amendments adopted. Advanced for Review	1688
May 7	Placed on Select File	1810
May 8	E and R amendments adopted. Advanced for Engrossment	1864
May 11	Correctly Engrossed	1900
May 18	Goodrich motion to return to Select File lost. Returned to Select File for Newell amendment	2068
May 18	Newell pending amendment lost. Re-advanced to Final Reading. Final Reading	2070
May 18	Speaker signed	2076
May 18	Presented to Governor	2085
May 22	Approved by Governor	2226

LEGISLATIVE BILL 544 By Nichol

Feb. 12	Read first time	516
Feb. 18	Referred to Committee on Public Works	559
Feb. 25	Notice of hearing	661
Mar. 23	Placed on General File	1052
May 1	Committee amendments adopted. Advanced for Review	1691
May 7	Placed on Select File	1811
May 19	Vickers amendment printed	2116
May 20	Kremer amendment printed	2137
May 26	E and R amendment adopted. Warner amendment adopted. Vickers pending	

	amendment adopted. Kremer pending amendment ruled not germane. Advanced for Engrossment	2294
May 27	Cullan motion to return to Select File withdrawn	2327
May 27	Correctly Engrossed	2350
May 27	E and R changes	2351
May 29	Final Reading	2417
May 29	President signed	2420
May 29	Presented to Governor	2421
June 4	Approved by Governor	2434

LEGISLATIVE BILL 545 By L. Johnson at request of Governor

Feb. 17	Read first time	532
Feb. 18	Referred to Committee on Government, Military and Veterans Affairs	559
Feb. 24	Notice of hearing	643
Mar. 13	L. Johnson priority bill	924
Mar. 24	Placed on General File	1089
Apr. 16	Committee amendments adopted. L. Johnson amendment adopted. Advanced for Review	1515
Apr. 23	Placed on Select File	1529
May 7	E and R amendments adopted. Advanced for Engrossment	1835
May 11	Correctly Engrossed	1931
May 18	Final Reading	2075
May 18	Speaker signed	2076
May 18	Presented to Governor	2085
May 22	Approved by Governor	2227

LEGISLATIVE BILL 546 By Newell, Koch, Kilgarin, Beyer, Fitzgerald

Feb. 27	Read first time	686
Mar. 4	Notice of hearing	741
Mar. 4	Referred to Committee on Judiciary	742

LEGISLATIVE BILL 547 By Agriculture and Environment Committee

Mar. 2	Read first time	702
Mar. 4	Notice of hearing	741
Mar. 4	Referred to Committee on Agriculture and Environment	742
Apr. 8	Placed on General File	1355

May 1	Schmit amendment printed	1693

LEGISLATIVE BILL 548 By Business and Labor Committee

Mar. 10	Read first time	828
Mar. 10	Referred to Committee on Business and Labor	833
Mar. 10	Notice of hearing	835
May 4	Placed on General File	1714
May 11	Committee amendment (1) adopted as amended by DeCamp-H. Peterson. Committee amendment (2) adopted. V. Johnson amendment to Committee amendment (2) lost. Advanced for Review	1928
May 12	Placed on Select File	1951
May 14	Maresh amendment printed	2050
May 20	Vickers-Maresh-Kahle amendment pending	2139
May 20	Vickers-Maresh-Kahle pending amendment lost. Maresh pending amendment p. 2050 adopted. Fowler-V. Johnson amendment ruled not germane. V. Johnson amendment adopted. Warner amendment withdrawn. Advanced for Engrossment	2142
May 21	Correctly Engrossed. E and R changes	2188
May 27	Nichol motion to return to Select File lost	2335
May 27	Final Reading	2341
May 28	Correctly Enrolled	2356
May 28	President signed	2359
May 28	Presented to Governor	2365
May 28	Koch explanation of vote	2366
May 29	Approved by Governor	2409

LEGISLATIVE BILL 549 By Maresh

Mar. 10	Read first time	828
Mar. 10	Referred to Committee on Business and Labor	833
Mar. 10	Notice of hearing	835
Mar. 11	Maresh name added as introducer. Business and Labor Committee withdrew as introducer	848
May 4	Indefinitely postponed	1715

LEGISLATIVE BILL 550 By Cullan

Mar. 13	Read first time	919
Mar. 16	Referred to Committee on Public Works	943
Mar. 16	Notice of hearing	949

LEGISLATIVE BILL 551 By Miscellaneous Subjects Committee

Mar. 24	Read first time	1108
Mar. 25	Referred to Committee on Miscellaneous Subjects	1127
May 12	Notice of hearing	1974
May 21	Placed on General File	2195
May 22	Committee amendments adopted. Advanced for Review	2218
May 22	Placed on Select File	2233
May 26	E and R amendment adopted. Hefner amendment to Committee amendment lost. Advanced for Engrossment	2262
May 26	Correctly Engrossed	2283
May 27	Remmers motion to return to Select File lost	2336
May 28	Final Reading	2372
May 28	President signed	2375
May 28	Presented to Governor	2376
May 29	Approved by Governor	2383

LEGISLATIVE BILL 552 By Miscellaneous Subjects Committee

Mar. 24	Read first time	1108
Mar. 25	Referred to Committee on Miscellaneous Subjects	1127
May 12	Notice of hearing	1974
May 21	Placed on General File	2197
May 22	Committee amendments adopted. Advanced for Review	2218
May 22	Attorney General's Opinion	2231
May 22	Placed on Select File	2234
May 26	E and R amendments adopted. Hefner amendment to Committee amendment adopted. Wesely amendment to Committee amendment lost. Advanced for Engrossment	2265
May 26	Dworak amendment to Committee amendment printed	2270
May 26	Dworak amendment printed	2276
May 26	Correctly Engrossed	2283

May 27 Returned to Select File for Dworak amendment 2326
May 27 Dworak pending amendment adopted. Advanced for Re-Engrossment. Dworak pending amendment p. 2270 withdrawn...... 2327
May 27 Correctly Re-Engrossed........................ 2352
May 27 E and R changes.............................. 2354
May 29 Final Reading................................ 2417
May 29 President signed............................. 2420
May 29 Presented to Governor........................ 2421
June 4 Approved by Governor 2434

LEGISLATIVE BILL 553 By Miscellaneous Subjects Committee

Mar. 24 Read first time.............................. 1108
Mar. 25 Referred to Committee on Miscellaneous Subjects 1127
May 12 Notice of hearing............................ 1974
May 21 Placed on General File....................... 2199
May 22 Committee amendments adopted. Advanced for Review 2219
May 22 Placed on Select File 2234
May 26 E and R amendments adopted. Advanced for Engrossment................. 2266
May 26 Correctly Engrossed.......................... 2283
May 28 Final Reading................................ 2373
May 28 President signed............................. 2375
May 28 Presented to Governor........................ 2376
May 29 Approved by Governor 2383

LEGISLATIVE BILL 554 By Miscellaneous Subjects Committee

Mar. 24 Read first time.............................. 1109
Mar. 25 Referred to Committee on Miscellaneous Subjects 1127
May 12 Notice of hearing............................ 1974
May 21 Placed on General File....................... 2202
May 22 Committee amendments adopted. Advanced for Review 2219
May 22 Placed on Select File 2234
May 26 E and R amendments adopted. Advanced for Engrossment................. 2266
May 26 Correctly Engrossed.......................... 2283
May 28 Final Reading................................ 2374
May 28 President signed............................. 2375
May 28 Presented to Governor........................ 2376

May 29	Approved by Governor	2383

LEGISLATIVE BILL 555 By Wiitala, Higgins, Fenger, Labedz, Pirsch, Beyer, Newell, Kilgarin, V. Johnson

Mar. 24	Read first time	1109
Mar. 25	Referred to Committee on Miscellaneous Subjects	1127
Mar. 27	Notice of hearing	1166
Apr. 23	Newell motion to withdraw laid over	1537
May 5	Newell pending motion prevailed. Withdrawn	1742

LEGISLATIVE BILL 556 By Speaker Marvel at request of Governor

Mar. 30	Read first time	1178
Apr. 1	Referred to Committee on Appropriations	1235
Apr. 2	Notice of hearing	1268
Apr. 29	Placed on General File	1630
May 8	Attorney General's Opinion	1877
May 11	Committee amendments lost. Advanced for Review	1928
May 12	Placed on Select File	1951
May 14	Advanced for Engrossment	2053
May 18	Correctly Engrossed	2060
May 27	Final Reading	2343
May 27	Speaker signed	2354
May 28	Presented to Governor	2356
May 28	Koch explanation of vote	2366
May 29	Approved by Governor	2383

LEGISLATIVE BILL 556A By Marvel

May 11	Read first time. Placed on General File	1904
May 13	Advanced for Review	1996
May 13	Placed on Select File	2000
May 20	Advanced for Engrossment	2138
May 21	Correctly Engrossed	2189
May 27	Final Reading	2343
May 27	Speaker signed	2354
May 28	Presented to Governor	2356
May 28	Koch explanation of vote	2366
May 29	Approved by Governor	2383

LEGISLATIVE BILL 557 By Appropriations Committee

Apr. 14	Read first time	1460
Apr. 14	Placed on General File	1462
Apr. 23	Advanced for Review	1542
Apr. 27	Placed on Select File	1579
Apr. 30	Advanced for Engrossment	1664
May 5	DeCamp amendment printed	1756
May 5	Correctly Engrossed	1768
May 6	DeCamp motion to return to Select File for pending amendment p. 1756 lost	1780
May 7	Final Reading	1819
May 7	Speaker signed	1824
May 7	Presented to Governor	1832
May 13	Approved by Governor	2009

LEGISLATIVE BILL 558 By Appropriations Committee

Apr. 14	Read first time	1461
Apr. 14	Placed on General File	1462
Apr. 23	Wesely amendment withdrawn. Advanced for Review	1542
Apr. 27	Placed on Select File	1579
Apr. 30	Beutler amendment adopted. Wesely-Beutler amendment lost. Schmit amendment lost. Advanced for Engrossment	1664
May 1	Schmit amendment p. 1666 adopted (Correction)	1674
May 5	DeCamp amendment printed	1756
May 5	Correctly Engrossed	1768
May 6	DeCamp pending amendment p. 1756 withdrawn	1780
May 7	Final Reading	1819
May 7	Speaker signed	1824
May 7	Presented to Governor	1832
May 13	Approved by Governor	2009

LEGISLATIVE BILL 559 By Appropriations Committee

Apr. 14	Read first time	1461
Apr. 14	Placed on General File	1462
Apr. 23	Advanced for Review	1543
Apr. 23	Haberman amendment printed	1548
Apr. 27	Placed on Select File	1579
Apr. 29	Committee amendment printed	1641
Apr. 30	E and R amendments adopted. Pending	

	Committee amendment adopted. Haberman pending amendment p. 1548 withdrawn. Vickers amendment lost. Schmit amendment adopted. Advanced for Engrossment	1666
May 1	E and R amendment (Correction)	1674
May 4	Von Minden amendment printed	1707
May 5	DeCamp amendment printed	1756
May 5	Correctly Engrossed. E and R changes	1768
May 6	DeCamp pending amendment p. 1756 withdrawn. Von Minden pending amendment p. 1707 withdrawn. Vickers motion to return to Select File lost	1781
May 7	Final Reading	1812
May 7	Speaker signed	1824
May 7	Presented to Governor	1832
May 13	Approved by Governor	2009

LEGISLATIVE BILL 560 By Appropriations Committee

Apr. 14	Read first time	1461
Apr. 14	Placed on General File	1462
Apr. 23	V. Johnson amendment lost. Advanced for Review	1544
Apr. 23	Newell amendment printed	1547
Apr. 27	Placed on Select File	1579
Apr. 27	Koch amendment printed	1596
Apr. 28	Maresh amendment printed	1609
Apr. 29	Warner amendment printed	1640
Apr. 30	Warner pending amendment p. 1640 adopted. Newell pending amendment p. 1547 withdrawn. Koch pending amendment p. 1596 withdrawn. Maresh pending amendment p. 1609 lost. Burrows and Koch amendments lost. Advanced for Engrossment	1670
May 5	DeCamp amendment printed	1757
May 5	Correctly Engrossed	1768
May 6	DeCamp pending amendment p. 1757 withdrawn	1782
May 7	Final Reading	1820
May 7	Speaker signed	1824
May 7	Presented to Governor	1832
May 13	Approved by Governor	2009

LEGISLATIVE BILL 561 By Appropriations Committee

Apr. 14	Read first time	1461
Apr. 14	Placed on General File	1462
Apr. 23	Advanced for Review	1545
Apr. 27	Placed on Select File	1579
Apr. 29	Kremer and Warner amendments printed	1640
May 1	Chambers amendment printed	1686
May 4	Warner pending amendment p. 1640 adopted. Schmit name added to Kremer pending amendment p. 1640. Kremer-Schmit pending amendment adopted as amended by Kremer. Chambers pending amendment p. 1686 lost. Koch amendment adopted. Wiitala amendment withdrawn. Landis motion to reconsider Kremer-Schmit amendment withdrawn. Chambers motion to reconsider amendment p. 1686 prevailed. Chambers amendment p. 1686 adopted. Advanced for Engrossment	1720
May 4	Marvel explanation of vote	1734
May 5	DeCamp amendment printed	1757
May 5	Correctly Engrossed	1768
May 6	DeCamp pending amendment p. 1757 withdrawn	1782
May 7	Final Reading	1821
May 7	Speaker signed	1824
May 7	Presented to Governor	1832
May 13	Approved by Governor. Line item veto	2006
May 14	Warner announcement on override	2052
May 14	Dworak-Fowler-Stoney-L. Johnson-Cope-Marsh motion to override Governor's line item veto printed	2056
May 18	Pending motion to override Governor's line item veto lost	2077
May 19	Fowler-V. Johnson motion to override Governor's line item veto laid over	2122
May 20	Koch motion to override Governor's line item veto laid over	2137
May 21	Attorney General's Opinion	2176
May 21	Koch pending motion p. 2137 lost	2186
May 21	Fowler-V. Johnson pending motion p. 2122 withdrawn. Chambers motion to override Governor's line item	

	veto lost. Koch-Newell pending motion p. 2137 withdrawn	2189
May 21	Chamber motion to reconsider lost	2193
May 29	Schmit motion to override Governor's line item veto lost	2418
May 29	Schmit-Sieck-Chambers motion to override Governor's line item veto prevailed	2429
May 29	Letter. Certificate	2431
June 4	Letter	2438
June 4	Certificate	2439

LEGISLATIVE BILL 562 By Appropriations Committee

Apr. 14	Read first time. Placed on General File	1462
Apr. 23	Advanced for Review	1545
Apr. 27	Placed on Select File	1579
Apr. 28	Koch amendment printed	1611
Apr. 30	Kahle-Lamb-Schmit amendment printed	1672
May 4	Koch pending amendment p. 1611 lost. Haberman amendment adopted. Kahle-Lamb-Schmit pending amendment p. 1672 adopted. Wesely motion to reconsider Koch amendment lost. Newell amendment withdrawn. Warner amendment adopted. Advanced for Engrossment	1727
May 5	DeCamp amendment printed	1757
May 5	Correctly Engrossed	1768
May 6	DeCamp pending amendment p. 1757 withdrawn	1782
May 7	Final Reading	1822
May 7	Speaker signed	1824
May 7	Presented to Governor	1832
May 13	Approved by Governor	2009

LEGISLATIVE BILLS

By Original Introducers

BILL BARRETT

28	Eliminate requirement of the recital of consideration in conveyances.
96	Provide for presumption of cotenancy in real estate conveyances.
351	Rename the Nebraska Veterans Home.
425	Eliminate provisions relating to foreign insurance companies.
467	Change provisions relating to collection of certain taxes.
498	Allow a tax for transportation of children to school related activities.

CHRIS BEUTLER

4	Define paid holidays for state employees.
5	Reading of legislative bills before final passage upon request only, C.A.
29	Change the statute of limitations for product liability actions.
94	Change provisions relating to ground water control areas.
99	Increase municipal court fees.
134	Change provisions of the Nebraska Political Accountability and Disclosure Act.
251	Change provisions for computing state aid to technical community colleges.
252	Provide for denial of ground water applications in the public interest.
303	Change provisions for filling school board vacancies.
304	Require public notice of board of equalization meetings.
305	Raise age limit for compulsory education.
339	Transfer juvenile court probation positions to the field probation service.
351	Rename Nebraska Veterans Home.
386	Change number and composition of judicial districts.
388	Change provisions for special improvement project areas in Natural Resources Districts.
393	Provide for interest on certain tax refunds.
486	Change provisions relating to taxation of railroad property.
500	Authorize organization of capital stock associations.

512	Nebraska Construction Lien Act.
513	Construction Lien Act.
514	Change provisions relating to mechanic's liens.

EMIL E. BEYER, JR.

85	Contract with school districts to provide transportation for the elderly.
185	Change an exception relating to the real estate commission.
186	Uniforms to be worn by sheriffs and sheriff's deputies.
351	Rename Nebraska Veterans Home.
354	Restrict use of eminent domain for airports.
356	Change record retention requirements relating to child support.
442	Change organization of the Department of Public Institutions.
480	Eliminate the inheritance tax.
486	Change provisions relating to taxation of railroad property.
546	Provide power to Nebraska State Patrol to restrict traffic.
555	Authorize sale of alcoholic liquors with a generic or private label.

GEORGE "BILL" BURROWS

120	Provide for recovery of attorney's fees relating to writs of mandamus.
135	Impose an income tax for support of public schools.
144	Change provisions relating to public transportation.
184	Prohibit certain corporations from engaging in farming operations.
244	Authorize purchase of group dental insurance for state employees.
270	Change provisions relating to child care facilities.
297	Provide for registration of electors on election day.
322	Require the Department of Agriculture to publish reports.
323	Change a condition disqualifying applicants for unemployment benefits.
351	Rename Nebraska Veterans Home.
369	Allow retirement system credit for teachers leaves of absence
486	Change provisions relating to taxation of railroad property.
526	Change disability compensation rates for certain state employees.

CALVIN F. CARSTEN

17	Change provisions relating to the Local Option Tax Control Act.
59	Provide for mineral interests to be filed with county assessor.
168A	Appropriation Bill.
172	Change provisions relating to tax rate on motor vehicle fuels.
196	Provide for removal of police officers for second class cities and villages.
351	Rename Nebraska Veterans Home.
360	Change provisions relating to the importation of motor vehicle fuels.
396	Agricultural Lime Testing Act.
396A	Appropriation Bill.
454	Change adjustment increments for sales and income tax rates.
489	Penalty for damaging, injuring or interfering with public services.

ERNEST CHAMBERS

143	Increase speed limit on interstate highway.
202	Eliminate death penalty.
206	Provide for certain expenses of members of the legislature.
206A	Appropriation Bill.
268	Increase aid to dependent children.
281	Change provisions relating to county salaries.
282	Change compensation of county officers.
363	Provide that football players are University of Nebraska employees.
364	Prohibit construction of new state interstate highways or freeways.
413	Change provisions relating to speed detection devices.
414	Nebraska Law Enforcement Procedures Act.
442	Change organization of Department of Public Institutions.
493	Private Security Act.
509	Change provisions for certification of apprentice barbers.

HARRY B. CHRONISTER

3	Provide a sales and use tax exemption for certain equipment.
111	Provide a formula for establishing judicial salaries.
157	Increase appropriation to the Nebraska Veterans' Aid Fund.
215	Change procedures for termination of parental rights in divorce cases.

221	Change definition of veteran of the Vietnam War.
255	Increase Veterans' Aid Fund.
269	Require development of a comprehensive mental health care plan.
279	Provide unemployment payments from two or more employers.
301	Change sheriff fees for serving of papers.
351	Rename the Nebraska Veterans Home.
442	Change organization of Department of Public Institutions.
468	Exempt certain motor carriers from certain regulations of Public Service Commission.
524	Change provisions relating to state aid.

ROBERT L. CLARK

133	Change provisions relating to detached bank auxiliary offices.
144	Change provisions relating to public transportation.
194	Change requirement for adoption of ordinances for municipal libraries.
285	Change provisions relating to designation of county roads.
290	Provide for bids for motor vehicle license plates.
355	Change provisions on interest rates on life insurance policy loans.
391	Authorize school officers to sell fuel to school districts.
496	Increase membership of the board of examiners in pharmacy.

RON COPE

6	Provide an exception to political subdivision budget limitations.
203	Change provisions relating to police and firefighters pensions.
296	Require installation and use of smoke detectors.
296A	Appropriation Bill.
351	Rename Nebraska Veterans Home.
491	Change provisions for deposits of city funds for cities of the first class.

SAMUEL K. CULLAN

7	Change the point assessment for certain traffic violation convictions.

8	Allow the sale or lease of certain water rights.
55	Authorize retired judges to perform marriage ceremonies.
56	Industrial Ground Water Regulatory Act.
70	Eliminate access to voting booths for voters with mobility limits.
95	Change procedures relating to mental health commitments.
95A	Appropriation Bill.
129	Declare intoxication unlawful.
213	Change provisions relating to criminal procedure.
249	Change provisions relating to the Department of Health.
351	Rename the Nebraska Veterans Home.
416	Increase membership and membership compensation of Legislature, C.A.
417	Change provisions relating to wide vehicles and equipment.
418	Change provisions relating to the recording of plats and subdivisions.
466	Define an act of unprofessional conduct by a physician.
473	Industrial Siting Act.
506	Nebraska Smoking Disease and Cancer Research Act.
506A	Appropriation Bill.
507	Terminate the Nebraska Coordinating Commission for Postsecondary Education.
550	Nebraska Mining and Reclamation Act.

JOHN DECAMP

40	Eliminate automatic expiration of additional sales tax in Omaha.
54	Prohibit liability actions for certain guest passengers.
76	Change penalty for operating a vehicle to avoid arrest.
113	Motor Club Services Act.
113A.	Appropriation Bill.
126	Provisions for the crime of theft by shoplifting.
132	Municipal Cooperative Financing Act.
134	Nebraska Political Accountability and Disclosure Act, restrict use of campaign funds.
157	Increase appropriation to the Nebraska Veterans' Aid Fund.
180	Nebraska Forensic Medical Examiner Act.
190	Change provisions relating to railroads.
245	Provide for a College of Veterinary Medicine.
253	Change provisions relating to litter.
253A	Appropriation Bill.
255	Increase Veterans' Aid Fund.

257	Change provisions relating to energy.
269	Require development of a comprehensive mental health care plan.
271	Provide for preauthorized loans.
273A	Appropriation Bill.
274A	Appropriation Bill.
284	Provide state financial assistance to political subdivisions.
284A	Appropriation Bill.
292	Provide for a State Forms Management Program.
293	Adopt a Therapeutic Research Act.
351	Rename Nebraska Veterans Home.
376	Remove a restriction on location of auxiliary teller offices.
384	Agricultural Development Corporation Act.
388	Change provisions for special improvement project areas in Natural Resources Districts.
404	Nebraska Community Aging Services Act.
408	Changes relating to issuance of special permits for oversize vehicles.
430	State Lottery Act.
486	Change provisions relating to taxation of railroad property.
500	Authorize organization of capital stock associations.
502	Change provisions of Nebraska Health Care Certificate of Need Act.
512	Nebraska Construction Lien Act.
517	Authorize the maintenance of certain branch banks.
518	Payment of Joseph Soukup claim.
519	Authorize race track messenger services.
536*	Transfer duties from Department of Roads to the Military Department.
537*	Create a Department of Historic Preservation.
538*	Create the Nebraska Library Department.
539*	Create the Department of Game and Parks.
540*	Create the Department of Real Estate.

* At the request of the Governor.

DONALD N. DWORAK

57	Change provisions relating to insurance consultants.
78	Establish an educational radio facility.
125	Restrict insurance coverage for abortion.
202	Eliminate the death penalty.
425	Eliminate provisions relating to foreign insurance companies.

426	Establish standards of valuation, interest rates, relating to insurance.
438	Adjust interest rate of delinquent property taxes.

GEORGE FENGER

92	Change provisions relating to the Nebraska Board of Public Accountancy.
112	Transfer administration of motor vehicle inspection laws to state patrol.
174	Change provisions relating to obsolete statutory language.
175	Eliminate a provision for citation in lieu of arrest for sex crimes.
308	Change provisions for annexation of Class III school districts.
351	Rename the Nebraska Veterans Home.
354	Restrict use of eminent domain for airports.
481	Exempt highway allocation fund receipts received by political subdivisions.
486	Change provisions relating to taxation of railroad property.
501	Authorize the licensure and control of animals other than dogs.
555	Authorize sale of alcoholic liquors with a generic or private label.

TOM FITZGERALD

29	Change the statute of limitations for product liability actions.
157	Increase appropriation to the Nebraska Veterans' Aid Fund.
221	Change definition of veteran of the Vietnam War.
255	Increase Veterans' Aid Fund.
457	Increase membership of Transportation Advisory Committee.
546	Provide power to Nebraska State Patrol to restrict traffic.

STEVE FOWLER

48	Exempt food from Sales Tax.
79	Limit budget increases of public power districts.
85	Contract with school districts to provide transportation for the elderly.
115	Increase workmen's compensation limits.
115A	Appropriation Bill.

140	Change provisions relating to bond issues for jails.
141	Change provisions relating to supplemental school retirement benefits.
157	Increase appropriation to the Nebraska Veterans' Aid Fund.
169	Taxation of aircraft motor fuels.
180	Nebraska Forensic Medical Examiner Act.
193	Change provisions relating to the Public Service Commission.
230	Prescribe certain standards for cabooses.
231	Provide for reduction in jail terms for good behavior.
255	Increase Veterans' Aid Fund.
257	Change provisions relating to energy.
257A	Appropriation Bill.
300	Increase corporate income tax rate.
351	Rename Nebraska Veterans Home.
395	Provide for supplemental retirement benefits.
404	Nebraska Community Aging Services Act.
429	Adopt certain codes for public buildings.
455	Repeal the Nebraska Teachers' Professional Negotiations Act.
459A	Appropriation Bill.

JAMES E. GOLL

351	Rename Nebraska Veterans Home.
354	Restrict use of eminent domain.
370	Change provisions relating to award of associate degrees.
371	Remove area vocational technical and junior colleges from lease agreements.
486	Change provisions relating to taxation of railroad property.

GLENN A. GOODRICH

3	Provide a sales and use tax exemption for certain equipment.
40	Eliminate automatic expiration of additional sales tax in Omaha.
77	Change standards for rules adoption to the State Electrical Act.
90	Youth Corrections Act.
91	Authorize University of Nebraska to offer associate degree in criminal justice.
238	Clarify a compensation provision relating to the State Real Estate Commission.
278	Authorize a refund of certain sales taxes.

351	Rename Nebraska Veterans Home.
399	Change certain provisions of the Nebraska Judges Fund.
488	Provide a salary increase to constitutional officers.
490	Transfer control of state electrical division.
528	Provide a lien for furnishing of certain livestock products and services.

REX HABERMAN

24	Change a penalty relating to obstruction of roads.
25	Repeal a special excise tax on motor vehicle fuels.
62	Refund motor vehicle excise taxes to school districts.
63	Include all school districts in the Nebraska Teachers' Negotiation Act.
226	Nebraska Water Well Drillers' Licensing Act.
226A	Appropriation Bill.
241	Provide compensation for the taking of outdoor signs.
349	Change provisions relating to building and loan associations.
351	Rename Nebraska Veterans Home.
409	Provide for continuing education requirements for abstractors.
486	Change provisions relating to taxation of railroad property.

ELROY M. HEFNER

68	Request Commission of Industrial Relations to consider financial capabilities.
118	Change maximum amount of unemployment benefits.
119	Notify employer of individual employment seeking activities.
157	Increase appropriation to the Nebraska Veterans' Aid Fund.
169	Taxation of aircraft motor fuels.
200	Rural road improvement districts.
213	Change provisions relating to criminal procedure.
214	Personal loans for mobile homes.
221	Change definition of veteran of the Vietnam War.
233	Authorize bonds for highway construction and repair.
245	Provide for a College of Veterinary Medicine.
255	Increase Veterans' Aid Fund.
269	Require development of a comprehensive mental health care plan.
278	Authorize a refund of certain sales taxes.
351	Rename Nebraska Veterans Home.
394	Change provisions relating to unemployment benefits.

398	Change certain provisions for financing bridge replacement.
457	Increase membership of Transportation Advisory Committee.
486	Change provisions relating to taxation of railroad property.
505	Provide a definition of an offer of suitable work.

MARGE HIGGINS

41	Change filing time for county inventory statements.
87	Removal of intoxicated persons from quasi-public property.
125	Restrict insurance coverage for abortion.
256	Changes relating to reimbursement for costs of collecting sales tax.
306	Exempt payments of judgments against a county from budget limits.
307	Restrict use of public funds for private organizations.
314	Exclude certain funeral payments from public assistance resources.
315	Require auditor of public accounts to be a certified public accountant.
329	Change provisions relating to group insurance policies.
330	Change provisions relating to insurance reserves.
351	Rename Nebraska Veterans Home.
503	Provide for visitation rights for grandparents.
504	Change provisions relating to sexual assault.
555	Authorize sale of alcoholic liquors with a generic or private label.

PETER HOAGLAND

99	Increase municipal court fee.
101	Change provisions relating to the Nebraska Political Accountability and Disclosure Act.
134	Change provisions of the Nebraska Political Accountability and Disclosure Act.
152	Provide for waters of natural streams.
166	Increase certain municipal court fees.
187	Change power of trustees to invest trust funds.
213	Change provisions relating to criminal procedure.
340	Change provisions relating to the Political Subdivision Tort Claims Act.
341	Change provisions relating to the State Claims Board.
348	Provide provisions relating to the use of water.
351	Rename the Nebraska Veterans Home.

377	Provide for the distribution of certain interest on state funds.
423	Encourage the development of programs for gifted children.
432	Uniform Comparative Fault Act.
471	Authorize use of certain cemetery grounds.
472	Continue to insure the Commissioner of Education.
472A	Appropriation Bill.
480	Eliminate the inheritance tax.
497	Eliminate certain obsolete statutes.

LOWELL C. JOHNSON

60	Provide same advantages for state and federal credit unions.
71	Harmonize provisions for state and federal savings and loan associations.
171	Permit facsimile signatures by Public Works board members, first class cities.
239	Provide for public access to isolated lands.
351	Rename the Nebraska Veterans Home.
354	Restrict use of eminent domain for airports.
489	Penalty for damaging, injuring or interferring with public services.
545*	Change provisions relating to reports.

* At the request of the Governor.

VARD ROYCE JOHNSON

138	Increase salaries of members of the Legislature, C.A.
142	Increase homestead exemption.
151	Provide property tax exemption for energy conservation improvements.
170	Provide for the collection of nonresident delinquent taxes.
212	Provide for a cancer registry with the State Board of Health.
223	Require contracts for extracurricular duties for teachers.
227	Provide procedures for termination of parental rights in divorce cases.
298	Provide land be zoned for mobile homes.
299	Exemption of certain earthmoving equipment from taxation.
403	Unfair trade practices relating to the State Real Estate Commission.
405	Change provisions relating to the Nebraska Fair Employment Practices Act.
428	Change provisions relating to the Nebraska Probate Code.
487	Provide for supervision of boarding homes by the Department of Health.

520	Child Care and Development Services Act.
521	Change provisions relating to public assistance.
522	Transfer administration of welfare programs from counties to the state.
555	Authorize sale of alcoholic liquors with a generic or private label.

MARTIN F. KAHLE

38	Provide an exception from civil liability to donors of food.
39	Decrease county medical assistance contribution.
39A	Appropriation Bill.
107	Change provisions relating to funding of mental health regional boards.
108	Disregard certain benefits in determining needs of aged, blind, disabled.
149	Change provisions and procedures relating to soil erosion regulations.
245	Provide for a College of Veterinary Medicine.
289	Change provisions relating to termination of parental rights.
351	Rename the Nebraska Veterans Home.
486	Change provisions relating to taxation of railroad property.
492	Authorize the issuance of certain bonds for bridges.
524	Change provisions relating to state aid.
529	Change bonding provisions relating to warehouses.
533*	Eliminate Board of Ambulance Advisors and Board of Advanced Emergency Medical Care.

* At the request of the Governor.

KAREN KILGARIN

61	Change provisions relating to sales tax on utility services.
197	Provide a tax credit for the elderly.
197A	Appropriation Bill.
240	Change membership provisions of the State Employees Retirement Act.
292	Provide for a state forms management program.
351	Rename the Nebraska Veterans Home.
439	Change contract forms for employment of teachers.
440	Permit a student to serve on school boards in certain districts.
512	Nebraska Construction Lien Act.
530	Require certain information on voter registration lists.

546	Provide power to Nebraska State Patrol to restrict traffic.
555	Authorize sale of alcoholic liquors with a generic or private label.

GERALD D. KOCH

17	Change provisions relating to the Local Option Tax Control Act.
30	Except certain public hearing and notice requirements relating to Sanitary Improvement Districts.
40	Eliminate automatic expiration of sales tax in Omaha.
88	Provide for computer-assisted valuation of real property.
207A	Appropriation Bill.
209	Provide for a September primary election.
244	Group dental insurance for state employees.
317A	Appropriation Bill.
334	Nebraska Coordinating Commission for Postsecondary Education.
336	Continue radio programs for blind and handicapped persons.
336A	Appropriation Bill.
338	Declare legislative intent relating to Nebraska common schools.
342	Provide for the deferral of payment of real estate taxes.
344	Nonresident violator compact.
350	Decrease maximum hours of required duty for firefighters.
351	Rename the Nebraska Veterans Home.
352	Repeal Political Subdivision Budget Limit Act of 1979.
362	Change provisions relating to housing authorities.
368	Change provisions relating to the Nebraska Political Accountability and Disclosure Act.
372	Provide for the establishment of a parole advisory committee.
375	Provide for ground water management plan.
401	Provide for the establishment of ground water control areas by election.
469	Change provisions relating to Omaha Water District's Funds.
532	Repeal guest passenger statute.
546	Provide power to the Nebraska State Patrol to restrict traffic.

MAURICE A. KREMER

13	Include certain annexed territory within a Class III school district.
182	Balanced treatment for Creation Science and Evolution Science Act.
245	Provide for a College of Veterinary Medicine.
310	Change procedures for annexation to a fire protection district.
351	Rename the Nebraska Veterans Home.
374	Pay sales tax on components of mobile homes, manufactured housing.
375	Provide for ground water management plan.
388	Change provisions for special improvement project areas in Natural Resourse Districts.
400	Provide for the use of excess generating capacity.

BERNICE R. LABEDZ

19	Change provisions relating to homestead exemptions.
61	Change provisions relating to sales tax on utility services.
75A	Appropriation Bill.
125	Restrict insurance coverage for abortion.
239	Provide for public access to isolated lands.
250	Change procedures relating to the Commission for the Hearing Impaired.
351	Rename the Nebraska Veterans Home.
422	Change provisions relating to the Health Care Certificate of Need Act.
466	Define an act of unprofessional conduct by a physician.
531	Constitutional amendment related to legislative salaries, C.A.
555	Authorize sale of alcoholic liquors with a generic or private label.

HOWARD LAMB

20	Waiver of coverage and termination of waiver relating to workmen's compensation.
21	Permit certain counties to employ a full-time county attorney.
165	Provide for payment of high school tuition by Department of Education.
165A	Appropriation Bill.

183	Provide for funding of certain mental retardation agencies.
245	Provide for a College of Veterinary Medicine.
246	Change provisions for registration of certain wells.
351	Rename the Nebraska Veterans Home.
400	Provide for the use of excess electrical generating capacity.
401	Provide for the establishment of ground water control areas by election.
510	Provide for contracts between mental retardation offices and school districts.
511	Exempt well boring equipment from motor vehicle registration.

DAVE LANDIS

22	Provide a motorcycle safety education course.
22A	Appropriation Bill.
23	Professional counseling relating to minors.
50	Ridesharing procedures.
134	Change provisions of the Nebraska Political Accountability and Disclosure Act.
180	Nebraska Forensic Medical Examiner Act.
180A	Appropriation Bill.
228	Change procedures providing for the appearance of certain witnesses.
244	Authorize purchase of group dental insurance.
324	Redefine terms relating to pensions in cities of the primary class.
327	Change provisions relating to bankruptcy and insurance benefits.
343	Community Assistance Act.
344	Nonresident violator compact.
410	Create the Nebraska Appeal Tribunal.
452	Underground Storage Act.
499	Procedures for determination of needs for the mentally retarded.

RICHARD MARESH

9	Prohibit acquisition of additional agricultural land by certain trusts.
10	Reimbursement for public employees taking leaves as national guard members.
11	Grain Sorghum Resources Act.
11A	Appropriation Bill.

12	Increase food sale tax credit.
118	Change maximum amount of unemployment benefits.
144	Change provisions relating to public transportation.
144A	Appropriation Bill.
192	Provide for attorney and expert witness fees in civil procedures.
220	Change election requirements for certain projects for second class cities.
224	Change provisions relating to the Small Watersheds Flood Control Fund.
233	Authorize bonds for highway construction and repair.
234A	Appropriation Bill.
245	Provide for a College of Veterinary Medicine.
292	Provide for a state forms management program.
351	Rename the Nebraska Veterans Home.
394	Change provisions relating to unemployment benefits.
404	Nebraska Community Aging Services Act.
486	Change provisions relating to taxation of railroad property.
549	Disallow certain claims against the state.

SHIRLEY MAC MARSH

26	Require publication of proceedings of county board meetings.
27	Adopt the whitetail deer as official state mammal.
69	Require motor vehicle passenger restraint system for children.
86	Provide income tax exemption for federal civil service annuities.
89	Increase number of judges in the third judicial district.
89A	Appropriation Bill.
93	Restrict state matching funds for services rendered to alcoholics.
139	Authorize prepaid dental service corporations.
139A	Appropriation Bill.
191	Change provisions relating to Workmen's Compensation Second Injury Fund.
197	Provide a tax credit for the elderly.
335	Adult Protective Services Act.

RICHARD D. MARVEL

155*	Change provisions relating to motor vehicle Certificate of Title fee.

156*	Change provisions relating to withdrawals from Social Security Contribution Fund.
157*	Increase appropriation to the Nebraska Veterans' Aid Fund.
158*	Create Energy Audits Cash Fund.
158A	Appropriation Bill.
159*	Use cigarette tax funds for Water Conservation and Development Cash Fund.
160*	Provide for payment of salaries of members of the Nebraska State Legislature.
161*	Provide for payment of salaries of officers of Nebraska State Government.
162*	Appropriations for expenses of Nebraska State Government.
163*	Acknowledge and reaffirm previous appropriations.
164*	Appropriations for capital construction projects.
232*	Make, increase, and reduce appropriations.
247	Change provisions relating to a sheriff's office merit commission.
351	Rename the Nebraska Veterans Home.
392	Change provisions relating to interest on off-street parking bonds.
404	Nebraska Community Aging Services Act.
556*	Increase state contribution for health insurance for state employees.
556A	Appropriation Bill.

* At the request of the Governor.

DAVE NEWELL

37	Change election procedures for sanitary and improvement districts.
40	Eliminate automatic expiration of additional sales tax in Omaha.
48	Exempt food from sales tax.
116	Provide salary increases for all state employees.
117	Provide tax refund on manfacturing equipment in depressed economic zones.
131	Increase school employee retirement age.
170	Provide for the collection of nonresident delinquent taxes.
176	Change provisions relating to the employment security law.
205	Change provisions relating to fire investigations.
211	Change provisions relating to homestead exemptions.
259	Change procedures for contracting with teachers or administrators.

351	Rename the Nebraska Veterans Home.
359	Change district election provisions for sanitary and improvement districts.
412	Restrict uses of land zoned as agricultural land.
419	Prohibit partisan legislature, C.A.
431	Authorize samples of alcoholic liquors.
546	Provide power to Nebraska State Patrol to restrict traffic.
555	Authorize sale of alcoholic liquors with a generic or private label.

WILLIAM E. NICHOL

64	Permit privately owned wreckers to display flashing lights.
65	Include more than one municipality in railroad transportation safety districts.
66	Change provisions relating to mosquito abatement districts.
129	Declare intoxication unlawful.
129A	Appropriation Bill.
145	Establish a police retirement system for cities of the first class.
188A	Appropriation Bill.
225	Authorize law enforcement agencies to establish a communications system.
236	Change provisions relating to the Nebraska Brand Committee.
242	Provide for payment by the county for certain prisoners.
294	Establish the Department of Mexican-American Affairs.
295	Create the Department of Aging Services.
351	Rename the Nebraska Veterans Home.
353	Provide powers and duties of the Department of Public Welfare.
357	Change retirement benefit provisions for certain state employees.
380	Provisions for medical services for confined persons under Department of Public Institutions control.
402	Allow prosecution to appeal the sentence imposed in a criminal case.
442	Change organization of Department of Public Institutions.
515	Exempt certain political subdivisions from budget limitations.
541*	Remove State Patrol from control of Department of Roads.
541A	Appropriation Bill.
544	Authorize State Highway Commission to meet at various locations.

* At the request of the Governor.

HOWARD L. PETERSON

60	Provide same advantages for state and federal credit unions.
71	Harmonize provisions for state and federal savings and loan associations.
136	Authorize Sunday horse racing.
182	Balanced treatment for Creation Science and Evolution Science Act.
203	Change provisions relating to police and firefighters pensions.
245	Provide for a College of Veterinary Medicine.
278	Authorize a refund of certain sales taxes.
286	Change provisions relating to county courts sitting as juvenile court.
351	Rename the Nebraska Veterans Home.
489	Penalty for damaging, injuring or interfering with public services.
518	Provide for the payment of Joseph Soukup claim.
524	Change provisions relating to state aid.

RICHARD PETERSON

233	Authorize bonds for highway construction and repair.
267	Prohibit the introduction of certain information by Dental Review Commission.
269	Require development of a Comprehensive Mental Health Care Plan.
351	Rename the Nebraska Veterans Home.
486	Change provisions relating to taxation of railroad property.
527	Create office of Executive Coordinator for Natural Resources.

CAROL McBRIDE PIRSCH

61	Change provisions relating to sales tax on utility services.
213	Change provisions relating to insanity pleas.
240	Change membership provisions of the State Employees Retirement Act.
328	Change provisions relating to the Crime Victim's Reparations Board.
328A	Appropriation Bill.
351	Rename the Nebraska Veterans Home.

357	Change retirement benefit provisions for certain state employees.
465	Change sentence for persons convicted for assault while in custody.
477	Provide aid to witnesses and victims of crime.
477A	Appropriation Bill.
478	Provide a homestead exemption.
512	Nebraska Construction Lien Act.
513	Construction Lien Act.
514	Change provisions relating to mechanic's liens.
516	Change provisions relating to the division of property in divorce cases.
555	Authorize sale of alcoholic liquors with a generic or private label.

R. WILEY REMMERS

62	Refund motor vehicle excise taxes to school districts.
63	Include all teachers in Nebraska Teachers' Negotiation Act.
106	Increase compensation for certain election officials.
132	Municipal Cooperative Financing Act.
137	Change requirements relating to motor vehicle insurance policies.
192	Provide for attorney and expert witness fees in civil procedure.
351	Rename the Nebraska Veterans Home.
373	Authorize a local income tax by school districts and municipalities.
486	Change provisions relating to taxation of railroad property.

MYRON RUMERY

46	Change provisions relating to lost and temporary driver's licenses.
47	Change provisions relating to restricted parking lots.
49	Designate bobcat as a game animal and prohibit sale and harvest of fur.
51	Change distribution of highway incentive payment funds to counties.
52	Provide for issuance of permits for certain oversized vehicles.
67	Provide for registration of apprentice electricians.
100	Restrict hunting with artificial lights.
128	Lump sum benefits to beneficiaries of school retirement programs.

199	Repeal penalty provision of Nebraska Banking Act.
245	Provide for a College of Veterinary Medicine.
287	Eliminate mandatory retirement age.
288	Provide exception to State Employees Retirement Act.
351	Rename the Nebraska Veterans Home.
387	Provide for a deferred annuity for certain terminated firefighters.
404	Nebraska Community Aging Services Act.
424	Elected county officers' retirement system.
436	Prohibit discrimination based on state origin.

LORAN SCHMIT

233	Authorize bonds for highway construction and repair.
243	Restrict power of eminent domain by Natural Resources Districts.
245	Provide for a College of Veterinary Medicine.
245A	Appropriation Bill.
322	Require the Department of Agriculture to publish reports.
328	Change provisions relating to the Crime Victim's Reparations Board.
328A	Appropriation Bill.
331	Program for development of food products from distillers' grains.
332	Include availability of water for valuation for taxation.
351	Rename the Nebraska Veterans Home.
358	Provide for investment or deposit of funds of political subdivisions.
375	Provide for Ground Water Management Plan.
384	Agricultural Development Corportion Act.
385	Conservation Corporation Act.
388	Change provisions for special improvement project areas in Natural Resources Districts.
389	Disabled Persons and Family Support Act.
486	Change provisions relating to taxation of railroad property.
487	Provide for supervision of boarding homes by the Department of Health.
487A	Appropriation Bill.
502	Change provisions of the Nebraska Health Care Certificate of Need Act.
524	Change provisions relating to state aid.
527	Create office of Executive Coordinator for Natural Resources.

529A	Appropriation Bill.
542*	Eliminate the Weather Modification Commission.
543*	Change provisions relating to the Nebraska Mortgage Finance Fund Act.

* At the request of the Governor.

HAROLD F. SIECK

53	Provide for restitution to crime victims.
58	Permit Lincoln airport authority to sell certain real property.
81	Change provisions relating to ground water conservation districts.
82	Easement conveyance to city of York.
105	Change provisions relating to grain storage and purchase procedures.
122	Attach liens on property for nonpayment of water and electric bills.
127	Change provisions relating to county surveyors and state surveyor.
153	Change provisions relating to budget limitations.
218	Except certain manufactured housing units relating to school districts.
219	Impose an income tax for financing schools.
233	Authorize bonds for highway construction and repair.
254	Require health education instruction in schools.
351	Rename the Nebraska Veterans Home.
411	Provide procedures for suppression of statements and certain evidence.
423	Encourage the development of programs for gifted children.
442	Change organization of the Department of Public Institutions.
453	Provide an exemption from inheritance tax.
485	Change procedures for application of electric line construction.
525	Compel witnesses to testify in criminal procedure.
529	Change bonding provisions relating to warehouses.

LARRY D. STONEY

37	Change election procedures for sanitary improvement districts.
83	Change provisions of the Nebraska Criminal Code relating to arson.
84	Increase docket fee of the Clerk of the District Court.

311	Increase salaries for board members of metropolitan water districts.
312	Change election procedures of sanitary and improvement districts.
313	Authorize the issuance of refunding bonds by school districts.
351	Rename the Nebraska Veterans Home.

TOM VICKERS

18	Establish a day in recognition of George W. Norris.
31	Change procedures for formation of districts in first class cities.
32	Prohibit motor vehicle radar detection and radar transmission devices.
32A	Appropriation Bill.
33	Sale of real estate at public auction by second class cities or villages.
34	Change provisions relating to public power districts.
35	Eliminate motor vehicle inspections.
98	Exempt publicly owned motor vehicles from registration fees.
121	Provide procedures for granting easements on school lands.
210	Provide source of funds for School Foundation and Equalization Fund.
266	Provide duties for the State Fire Marshal.
283	Change provisions relating to stock and nonstock cooperatives.
332	Include availability of water for valuation for taxation.
351	Rename the Nebraska Veterans Home.
382	Municipal Electric District Act.
394	Change provisions relating to unemployment benefits.

MERLE VON MINDEN

32	Prohibit motor vehicle radar detection and radar transmission devices.
35	Eliminate motor vehicle inspections.
157	Increase appropriation to the Nebraska Veterans' Aid Fund.
217	Permit sale of liquor on election day.
221	Change definition of veteran of the Vietnam War.
255	Increase Veterans' Aid Fund.
269	Require development of a Comprehensive Mental Health Care Plan.

291	Prohibit sale of certain cans with removable tabs.
351	Rename the Nebraska Veterans Home.
442	Change organization of Department of Public Institutions.
486	Change provisions relating to taxation of railroad property.
524	Change provisions relating to state aid.
527	Create office of Executive Coordinator for Natural Resources.

DONALD L. WAGNER

18	Establish a day in recognition of George W. Norris.
109	Pay transcript costs for Department of Water Resources hearings.
110	Permit Natural Resources Districts to be used for headquarters or administration building.
114	Furnish certain information to the Department of Water Resources.
157	Increase appropriation to the Nebraska Veterans' Aid Fund.
204	Change provisions for mileage for public employees.
204A	Appropriation Bill.
221	Change definition of veteran of the Vietnam War.
245	Provide for a College of Veterinary Medicine.
255	Increase Veterans' Aid Fund.
351	Rename the Nebraska Veterans Home.
486	Change provisions relating to taxation of railroad property.
524	Change provisions relating to state aid.
527	Create office of Executive Coordinator for Natural Resources.

JEROME WARNER

133	Change provisions relating to detached bank auxiliary offices.
172	Change provisions relating to tax rate on motor vehicle fuels.
173	Conservation and Preservation Easement Act.
195	Change provisions relating to authorized insurance investments.
334A	Appropriation Bill.
360	Change provisions relating to the importation of motor vehicle fuels.
361	Provide number plates for tax exempt motor vehicles.
383	Change registration and licensing provisions for certain motor vehicles.
534*	Require legislative approval of budget of Board of Educational Lands and Funds, C.A.

535*	Provide for appropriations during legislative sessions in odd numbered years.
*	At the request of the Governor.

DONALD WESELY

34	Change provisions relating to public power districts.
98	Exempt publicly owned motor vehicles from registration fees.
134	Change provisions of the Nebraska Political Accountability and Disclosure Act.
154	Regulation of loan brokers.
157	Increase appropriation to the Nebraska Veterans' Aid Fund.
157A	Appropriation Bill.
237	Payment of special taxes and assessments for Wyuka cemetery.
241	Provide compensation for the taking of outdoor signs.
255	Increase Veterans Aid' Fund.
257	Change provisions relating to energy.
259	Change provisions for contracting with teachers or administrators.
266	Provide duties for the State Fire Marshal.
266A	Appropriation Bill.
280	Provide for sale or disposal of certain unclaimed or abandoned property.
302	Require a state twenty-year power supply plan.
351	Rename Nebraska Veterans Home.
361	Provide number plates for tax exempt motor vehicles.
365	Change provisions relating to contributions to State Retirement System.
366	Establish primary class city police retirement system.
367	Change provisions relating to Lincoln firefighter retirement benefits.
389	Disabled Persons and Family Support Act.
389A	Appropriation Bill.
397	Except certain health services from budgetary limitations.
404	Nebraska Community Aging Services Act.
441	Change provisions relating to asbestos.
456	Fire and Structural Safety Act.
487	Provide for supervision of boarding homes by the Department of Health.
487A	Appropriation Bill.
502	Change provisions of the Nebraska Health Care Certificate of Need Act.

508	Change provisions relating to reclamation districts.

STEVE WIITALA

16	Change provisions relating to classification of school districts.
37	Change election procedures for sanitary and improvement districts.
48	Exempt food sales tax.
61	Change provisions relating to sales tax on utility services.
248	Change procedure relating to compensation for school retirement system.
265	Provide a requirement for certain housing authority commissioners.
309	Allow transfer of certain property to an adjoining school district.
351	Rename Nebraska Veterans Home.
354	Restrict use of eminent domain for airports.
388	Change provisions for special improvement project areas in Natural Resources Districts.
427	Reimburse teachers for certain expenses.
427A	Appropriation Bill.
443	Provide system for professional growth by school employees.
484	Change certain benefits for public employees.
555	Authorize sale of alcoholic liquors with a generic or private label.

LEGISLATIVE BILLS INTRODUCED BY COMMITTEES

ADMINISTRATIVE RULES AND REGULATIONS REVIEW

97 Change provisions relating to Administrative Rules and Regulations.
130 Change provisions relating to state agency rules and regulations.

AGRICULTURE AND ENVIRONMENT

36 Pseudorabies Control Act.
80 Rename Agricultural Products Industrial Utilization Committee.
104 Authorize an annual review of taxation of gasohol.
216 Provide for hazardous waste management.
333 Change provisions relating to the Nebraska Manufacturing Milk Act.
529 Change bonding provisions relating to warehouses.
547 Nebraska Pure Food Act.

APPROPRIATIONS

557 Appropriations for cash funded state agencies.
558 Appropriations for constitutional officer state agencies.
559 Appropriations for state agencies, boards, commissions.
560 Appropriations for postsecondary education agencies, boards, and commissions.
561 Appropriations for state aid programs.
562 Appropriations for capital construction projects.

BANKING, COMMERCE AND INSURANCE

150 Authorize banks to charge credit card fee.
272 Adopt a revised version of the Uniform Limited Partnership Act.
273 Create a risk management program.
274 Provide education requirements for insurance agents and brokers.
275 Change provisions of the Nebraska Insurance Guaranty Association Act.
276 Change authorized investments of state funds.

277 Change provisions relating to interest on loans.

421 Provide for investigation of violations by professional licensees.

BUSINESS AND LABOR

201 Change provisions relating to computation of unemployment benefits.

234 Increase workmen's compensation payments.

235 Change provisions relating to bids on American-made products.

337 Change weekly unemployment benefits.

470 Change provisions relating to the Employment Security Law.

494 Eliminate requirements relative to photoelectric tube devices on elevators.

495 Exempt public power and irrigation districts from certain regulations.

548 Payment of miscellaneous claims against the state.

CONSTITUTIONAL REVISION AND RECREATION

72 Change provisions relating to trapping and fur harvesting of game.

73 Permit Game and Parks Commission to establish hours for taking certain fish.

74 Change park entry permit fees and distribution of revenue from fees.

75 Transfer of certain revenue from lost fees to the Game and Parks Commission.

474 Create the Legislative Compensation Commission, C.A.

475 Change provisions relating to judges.

476 Provide for the Recreation Liability Act to apply to political subdivisions.

EDUCATION

207 Change composition and apportionment of Driver Education Fund.

208 Change provisions relating to territory changes for school districts.

316 Change provisions relating to school transportation allowances.

317 Change provisions relating to placement of mentally retarded children.

318	Change provisions relating to determining costs per pupil.
319	Provide for merger of certain Class I school districts.
320	Change provisions relating to technical community colleges.
321	Nebraska Educational Facilities Authority Act.

EXECUTIVE BOARD

1	Harmonizing provisions relating to the Nebraska Uniform Gifts to Minors Act.
2	Correct internal references relating to the State Energy Office.
523	Remove provisions establishing legislative districts.

GOVERNMENT, MILITARY AND VETERANS AFFAIRS

102	Change provisions relating to the Political Subdivision Budget Limit Act, 1979.
103	Exempt criminal detention expenditures from political subdivision budgets.
198	Authorize the division of voting precincts for public power districts.
406	Establish boundaries for legislative district apportionment.
407	Allow Nebraska Historical Society to comply with federal law.
444	Change requirements for budget statements by political subdivisions.
445	Change provisions relating to county engineers and county surveyors.
446	Change provisions relating to election laws.

INTERGOVERNMENTAL COOPERATION

14	Authorize Department of Roads to construct or maintain certain streets, roads.
15	School district payments by entities owning electric generating facility.

JUDICIARY

42	Change provisions relating to court procedures.
43	Change provisions of the Nebraska Business Corporation Act.
188	Increase per diem for judges of the Commission of Industrial Relations.

189	Change provisions relating to county courts.
345	Provide procedures for collection of child support payments.
346	Nebraska Juvenile Code.

LAW ENFORCEMENT AND JUSTICE ADVISORY

44	Penalty for certain pawnbroker violations.
45	Change disposition of fees collected for the Law Enforcement Improvement Fund.
347	Harmonize provisions of the Nebraska Criminal Code.

MISCELLANEOUS SUBJECTS

123	Provide for temporary and emergency motor carriers.
124	Provide standards for issuing liquor licenses, other provisions.
258	Provide for additional retail liquor license.
482	Change provisions relating to conflicts of interest for public officials.
483	Change provisions relating to advertising items given to liquor retailer.
551	Repeal provisions establishing public service commissioner districts.
552	Repeal provisions establishing Supreme Court judicial districts.
553	Repeal provisions establishing Board of Regents districts.
554	Repeal provisions establishing State Board of Education districts.

NEBRASKA RETIREMENT SYSTEMS

458	Change vesting provisions relating to retirement.
459	Revise contributions and benefits for certain retirement systems.
460	Change provisions relating to the Nebraska Investment Council.
461	Provide uniform membership requirements for certain public employees.
462	Place additional limitations on certain retirement accounts.
463	Change provisions relating to contributions to certain retirement systems.
464	Require certain cities and villages to create retirement committees.

PERFORMANCE REVIEW AND AUDIT

381	Change provisions relating to the Department of Administrative Services.
447	Change provisions relating to the Bureau of Examining Boards.
448	Changes relating to the Board of Examiners in Medicine and Surgery.
449	Change provisions relating to the Board of Examiners in Optometry.
450	Change provisions relating to the Board of Examiners in Podiatry.
451	Eliminate duties of the Board of Examiners in Osteopathy.

PUBLIC HEALTH AND WELFARE

260	Provide for election of a treasurer for County Hospital Board.
261	Provide a procedure for determining public assistance payments.
262	Provide for drug abuse service.
263	Increase examination fees for embalming and funeral directing licenses.
264	Change provisions relating to residences for the mentally retarded.
378	Change provisions of the Nebraska Health Care Certificate of Need Act.
379	Practice of Nursing in Expanded Roles Act.
415	Provide for state mental health plan, close Norfolk Regional Center.

PUBLIC WORKS

146	Change provisions relating to ground water.
147	Change provisions relating to wells.
148	Change provisions relating to soil and water conservation.
181	Change provisions relating to public power.
222	Provide for interim control area for ground water.
325	Provisions relating to well drillers.
326	State water planning and review process.

REVENUE

167	Change interest rates on delinquent payments to money owed to state.

168	Change provisions relating to taxation of mobile homes.
177	Change provisions relating to budget limits on political subdivisions.
178	Change provisions relating to the collection of motor vehicle fuel tax.
179	Change provisions relating to taxation procedures.
390	Establish the Property Tax Relief Fund.
479	Provide procedures for implementing guides from the Tax Commissioner.

TELECOMMUNICATIONS

229	Restrict a finding of inadequate exchange telephone service.

URBAN AFFAIRS

420	Change provisions relating to Civil Service Commissions.
433	Change provisions relating to dogs for the hearing impaired.
434	Provide exceptions to the initiative and referendum powers.
435	Change provisions relating to the Nebraska Housing Authority Law.
437	Adoption of ordinances which affect interstate railroads.

LEGISLATIVE BILLS AND RESOLUTIONS REFERRED TO COMMITTEE

Administrative Rules & Regulations Review

Chairperson - Vard Johnson

97 130 266

Agriculture & Environment

Chairperson - Loran Schmit

9 11 36 38 80 104 105 148
149 173 184 216 236 243 245 253
283 291 322 331 333 384 385 396
452 468 528 529 542 547

Appropriations

Chairperson - Jerome Warner

116 155 156 157 158 159 160 161
162 163 164 183 232 255 334 381
484 556 LR 12

Banking, Commerce & Insurance

Chairperson - John DeCamp

57 60 71 92 113 125 133 137
139 150 154 185 187 195 199 214
238 244 257 271 272 273 274 275
276 277 327 329 330 349 355 358
376 403 409 421 425 426 460 500
517 540 543

Business & Labor

Chairperson - Richard Maresh

20 68 115 118 119 176 188 191
201 234 235 279 323 337 394 405
410 436 470 494 495 505 518 548
549

Constitutional Revision & Recreation

Chairperson - Bernice Labedz

5 49 72 73 74 75 100 138
416 419 474 476 531 534 535 539

Education

Chairperson - Gerald Koch

13 15 16 63 78 91 106 165
182 207 208 210 218 223 251 254
259 303 305 308 309 313 316 317
318 319 320 321 336 338 363 370
371 391 423 427 439 440 441 443
455 472 498 507 520

Government, Military & Veterans Affairs

Chairperson - Martin Kahle

4 10 18 21 26 41 45 66
70 121 127 186 204 209 221 225
239 247 250 280 281 282 292 294
297 301 310 315 351 407 418 444
445 446 488 492 530 536 537 545

Judiciary

Chairperson - William Nichol

23 28 29 32 42 43 44 50
53 54 55 76 83 84 87 89
90 95 96 99 111 120 126 129
166 174 175 180 189 192 202 205
213 215 227 228 231 242 286 289
328 335 339 340 341 345 346 347
353 356 372 386 402 411 413 414
428 432 465 475 477 489 503 504
512 513 514 516 525 532 541 546

Miscellaneous Subjects

Chairperson - Elroy Hefner

27 67 77 82 101 124 134 136
193 217 258 368 406 429 430 431
457 471 482 483 490 493 497 519
523 538 551 552 553 554 555

Nebraska Retirement Systems

Chairperson - Steve Fowler

128 131 141 145 203 240 248 287
288 357 365 366 367 369 387 395
399 424 458 459 461 462 463 464
526

Public Health & Welfare

Chairperson - Sam Cullan

39 93 107 108 212 249 260 261
262 263 264 267 268 269 270 293
295 296 314 378 379 380 389 404
415 422 433 442 447 448 449 450
451 456 466 487 496 499 502 509
510 521 522 533

Public Works

Chairperson - Maurice Kremer

7 8 14 22 24 34 35 46
47 51 52 56 64 65 69 79
81 94 98 109 110 112 114 123
132 143 146 147 152 181 190 198
200 222 224 226 229 230 246 252
285 290 302 325 326 344 348 361
364 375 382 383 388 398 400 401
408 417 473 485 508 511 527 544
550 LR 21

Revenue

Chairperson - Calvin Carsten

3 6 12 17 19 25 40 48
59 61 62 86 88 102 103 117
135 140 142 151 153 167 168 169
170 172 177 178 179 197 211 219
233 256 278 284 299 300 304 306
332 342 343 352 360 373 374 377
390 393 396 412 438 453 454 467
478 479 480 481 486 506 514 524

Urban Affairs

Chairperson - Dave Landis

30 31 33 37 58 85 122 144
171 194 196 220 237 241 265 298
307 311 312 324 350 354 359 362
392 420 434 435 437 469 491 501

SUMMARY OF LEGISLATIVE BILLS

The following table shows the final disposition of each bill

Length 90 days

Total Number of Bills Introduced 562
Total Number of "A" Bills Introduced 50
Total Number of Resolutions Introduced 196
Total Number of Bills to Become Law 290

General File (92) (Chronological order):

69	8	176	169	75	75A	198	274
274A	359	413	32	32A	215	180	180A
347	465	264	431	387	535CA	258A	492
417	349	403	139	139A	229	94	421
261	426	281	418	309	455	498	126
115	115A	440	267	490	444	542	424
230	511	415	305	338	202	423	192
231	340	341	98	226	226A	454	304
239	401	410	233	278	448	449	450
263	378	270	212	522	370	335	353
208	36	547	400	402	525	255	364
375	435	383	314				

General File (92) (Numerical order):

8	32	32A	36	69	75	75A	94
98	115	115A	126	139	139A	169	176
180	180A	192	198	202	208	212	215
226	226A	229	230	231	233	239	255
258A	261	263	264	267	270	274	274A
278	281	304	305	309	314	335	338
340	341	347	349	353	359	364	370
375	378	383	387	400	401	402	403
410	413	415	417	418	421	423	424
426	431	435	440	444	448	449	450
454	455	465	490	492	498	511	522
525	535CA	542	547				

Final Reading (9):

89 89A 242 404 428 412e 472A 488
531CA

Approved by Governor (281):

1 2 3 9 11e 11Ae 14 15e
16 17e 18 20 21 22 22A 24e
27 28 29 31 33 34 35e 37
38 40 41 42 43 44 45 46e
47 50 51 54 55 56 57 58
59e 60 64 65e 67 70 71 72
73 74 76 77e 80 81 82e 83e
84 85 87 92e 95 95A 96 99
104 109 110 111 113e 113A 114 118e
120e 121 124 125e 128 129 130 132e
134 136 140e 141e 144e 144A 146e 150e
151 154 156e 157e 157Ae 158 158A 160e
161e 163e 165 165A 167 168e 168Ae 170
171 172 173 174e 178 179e 181 185
186 187 188e 188Ae 190e 194 195e 197
197A 199e 200 204 204A 205 207 207Ae
213e 214e 216e 217 218 220e 221 224
228 232e 234 234A 236e 238e 241 244
245e 245Ae 246 248e 248A 249 250 252
253e 253Ae 257e 257Ae 260e 266 266A 271e
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